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From Moscow to Makhachkala: The People in Between

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FROM MOSCOW TO MAKHACHKALA: THE PEOPLE IN BETWEEN

*Kimberly L. Jones**

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*The main problem with our society, are these broken links. Everything that ties us together between regions, generations, past and present, has been shattered by the Soviet Union, the collapse of the Soviet Union and the successor regime to the Soviet Union. We will only become a healthy society once we have rebuilt those connections, somehow.*¹

INTRODUCTION: SETTING THE STAGE

Since the mid-1990s, the Russian Federation (Russia) has been engaged in a series of violent struggles within its North Caucasus territory.² While much attention has rightly focused on the Republic of Chechnya, the locus of two wars and a protracted counterterrorist operation, the nature of the violence has varied across the region in the interceding years.³ In the neighboring Republic of Dagestan, violence increased after Russia declared an end to the second Chechen war.⁴ Efforts to sustainably stem violence in this restive republic have been stymied because Russia has failed to meaningfully address a series of critically important contextual factors: Dagestani governance, the backdrop of regional violence, and human rights violations against the local population. In short, conflict occurs in context, and by failing to connect the dots, Moscow's policies have undermined security in its periphery—Dagestan's capital, Makhachkala, and the hinterlands it governs.

Charles King notes, "Awe and terror have often been intertwined in outsiders' conceptions of the Caucasus."⁵ Indeed, it is terror that focused U.S. attention on this oft-overlooked corner of Russia in the

1. BEN JUDAH, FRAGILE EMPIRE: HOW RUSSIA FELL IN AND OUT OF LOVE WITH VLADIMIR PUTIN 253 (2013) (quoting Filip Dzyadko, characterized as a journalist and activist).

2. Note that there is also a series of historical conflicts, discussed briefly *infra*, that provide the backdrop for the current situation, including Russia's Caucasus Wars of the seventeenth century and Stalin's population purges of the 1940s. For analysis of contemporary and historic conflicts, see CHARLES KING, THE GHOST OF FREEDOM 5 (2008); ANATOL LIEVEN, CHECHNYA—TOMBSTONE OF RUSSIAN POWER (1998); ROBERT SCHAEFER, THE INSURGENCY IN CHECHNYA AND THE NORTH CAUCASUS (2011); Svante E. Cornell, *The War against Terrorism and the Conflict in Chechnya: A Case for Distinction*, 27 FLETCHER F. WORLD AFF. 167, 169–70 (2003).

3. For information on violence levels, see *Statistics of Victims*, CAUCASIAN KNOT (Sept. 12, 2013, 12:19 PM), http://eng.kavkaz-uzel.ru/search?rubric_id=601 (noting, for example, that seventy-six persons fell to armed conflicts in Northern Caucasus in August 2013).

4. *Id.*

5. KING, *supra* note 2, at 5.

spring of 2013.⁶ Anzor and Zubeidat Tsarnaev, the parents of Dzhokar and Tamarlan, the two young men accused of carrying out the Boston Marathon bombing in April of 2013, live in Makhachkala.⁷ News articles after the attack were peppered with questions about whether the brothers Tsarnaev were radicalized in Dagestan.⁸ A report scheduled for release in the summer of 2013 asks whether the violence of the region has come to the United States, in essence from the Caucasus to Copley.⁹ Additionally, the 2014 Winter Olympics are in nearby Sochi, Russia. The state has invested heavily in security for the Olympics, and militants have threatened the international event.¹⁰ “Awe and terror” are also reflected in considering the basic human dignity of the ten million people who live in that region.¹¹ Since the beginning of the first Chechen war in 1994, tens of thousands have been killed, hundreds of thousands have been wounded and even more have had their lives disrupted by violence.¹² Nearly a year prior to his death, murdered Dagestani journalist Akhmednabi Akhmednabiyev reflected on human rights concerns in the Republic and stated, “Such a feeling that time in Russia and Dagestan flows in the opposite direction, the authorities want to return society to the Stalinist-Soviet era, where the right to absolute truth belonged only to

6. See Scott Shane & David M. Herszenhorn, *Agents Pore Over Suspect's Trip to Russia*, N.Y. TIMES, Apr. 29, 2013, <http://www.nytimes.com/2013/04/29/us/tamerlan-tsarnaevs-contacts-on-russian-trip-draw-scrutiny.html?pagewanted=all>.

7. See Josh Levs & Ben Brumfield, *Boston Probe Eyes Slain Canadian Jihadist, Source Says*, CNN (Apr. 30, 2013), <http://www.cnn.com/2013/04/29/us/boston-attack>; see also Indictment, U.S. v. Tsarnaev, No. 13-2106-MBB (D. Mass. June 27, 2013), available at <http://www.justice.gov/iso/opa/resources/632013627162038513370.pdf>.

8. See, e.g., Steven Rosenberg, *Boston Bombings: Was Dagestan the Starting Point?*, BBC NEWS (Apr. 26, 2013), <http://www.bbc.co.uk/news/magazine-22315870>.

9. See Gordon Hahn, *The Caucasus Emirate Comes to America: The Boston Marathon Attack*, U.S.-RUSSIA.ORG (June 20, 2013, 2:48 PM), <http://us-russia.org/1348-the-caucasus-emirate-comes-to-america-the-boston-marathon-attack.html> (providing an executive summary of the forthcoming report's content).

10. See Thomas Grove, *Islamist Rebel Vows 'Maximum Force' to Stop Sochi Olympics*, REUTERS, July 2, 2013, <http://www.reuters.com/article/2013/07/03/us-russia-olympics-militants-idUSBRE96207T20130703>.

11. INT'L CRISIS GRP., THE NORTH CAUCASUS: THE CHALLENGES OF INTEGRATION (I), ETHNICITY AND CONFLICT 3 (2012), available at <http://www.crisisgroup.org/~media/Files/europe/caucasus/220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict.pdf> (rounding up from a population estimate of 9.86 million).

12. EMMA GILLIGAN, TERROR IN CHECHNYA: RUSSIA AND THE TRAGEDY OF CIVILIANS IN WAR 1–14 (2010).

the state and its opponents were [a]waiting either endless prosecution or imprisonment and extrajudicial execution.”¹³

This Article begins with the first contextual factor of governance. It sets the geopolitical stage, situating Dagestan within the Russian Federation and highlighting Moscow’s bungled approach to ruling Makhachkala. Part II places militant violence in contemporary context, examining Chechnya and Dagestan. Part III examines human rights issues connected to efforts to stem the violence in Dagestan. While a host of human rights violations could be examined, the focus herein is on journalists and human rights defenders. The conclusion completes the journey and reviews the consequences.

The consequences addressed in that final Part are important for policymakers focused on the region and have comparative value as well. Successful and sustainable efforts to stem political violence, including terrorism, must be undertaken with due consideration for the broader conflict context. Such efforts, whether undertaken by Russia, or other countries such as the United States, the United Kingdom or Israel, must also be cognizant of the expansive backdrop constructed where state and society meet and diverge over space and time. Domestic and international counterterrorism measures must be part and parcel of larger, more comprehensive strategies that are willing to embrace the complexities and intersections of geography, culture, politics, and history. Through embracing these complexities, policymakers may find windows of opportunity to transform situations away from violence and toward sustainable peace, thus reducing the risk of terrorism, from Moscow to Makhachkala.

I. THE GOVERNANCE CRISIS IN CONTEXT

Governance can be defined “as the traditions and institutions that determine how authority is exercised in a particular country.”¹⁴ This section examines Moscow’s missteps regarding two key governance challenges in Dagestan: the construction and management of the North Caucasus Federal District, and the state’s management of republic-level politics. This analysis demonstrates the disconnect that exists between Moscow and Makhachkala and the people in between,

13. Akhmednabi Akhmednabiyev, *Weekly Lashes out at Abductions, Executions of Dagestanis by Russian Troops*, BBC WORLDWIDE MONITORING, Aug. 5, 2012, available at LexisNexis.

14. Daniel Kaufman et al., *Governance Matters: From Measurement to Action*, FIN. & DEV., June 2000, available at <http://www.imf.org/external/pubs/ft/fandd/2000/06/kauf.htm>.

the citizens of the Republic. To provide a backdrop for understanding these two contextual issues, this Part begins with an introduction to Dagestan: the land and people of the mountains.

A. Setting the Stage: Land and People of the Mountains

The Republic of Dagestan is situated in the southwestern corner of Russia, nestled in the Caucasus Mountains, a chain that runs east to west across southern Russia.¹⁵ The Caucasus Mountains form a real, physical boundary that separates the region from the rest of Russia, especially Moscow, the federal capital situated more than 1000 miles to the north of Makhachkala, the republic's capital city.¹⁶ Within Russia, Dagestan's territorial neighbors include the Republic of Chechnya, Stavropol Krai, and the Republic of Kalmykiya.¹⁷ Externally, it borders the Caspian Sea as well as the states of Georgia and Azerbaijan.¹⁸

The North Caucasus, depending on perspective, could be termed a magnificent melding or malevolent maelstrom of topography, ethnicities, languages, religion, and political ambitions, including territorial nationalism. Dagestan in particular embodies these characterizations as the most heterogeneous of its regional neighbors.¹⁹ The former president of Dagestan, Magomedsalam Magomedov, acknowledged, "Dagestan is a multiethnic republic. We have more than 120 ethnic groups and 33 peoples and nationalities."²⁰ Many scholars, analysts and journalists concur as it is described as "the most diverse republic in the Russian territories."²¹ Dominant ethnic groups include the Avar (29.4%); Dargin (17%); Kumyk

15. KING, *supra* note 2, at 7–10.

16. See THOMAS DEWAAL, *THE CAUCASUS: AN INTRODUCTION* 6 (2010); GOOGLE MAPS, <http://maps.google.com> (follow "Get Directions" hyperlink; then search "A" for "Moscow, Russia" and search "B" for "Makhachkala, Dagestan;" then follow "Get Directions" hyperlink) (last visited Nov. 14, 2013) (giving driving directions from Moscow, Russia to Makhachkala, Dagestan).

17. KING, *supra* note 2, at 2. For constitutional distinctions between the types of administrative units, see *infra* notes 32–33.

18. KING, *supra* note 2, at 2.

19. INT'L CRISIS GRP., *supra* note 11, at 3.

20. *Russia Dagestan Head Discusses Work to Prevent Ethnic, Religious Tensions*, BBC WORLDWIDE MONITORING, Oct. 8, 2012, available at LexisNexis.

21. See, e.g., *Chechnya and Dagestan Are Not the Same Thing: A Brief Look at Conflict in the Caucasus*, CENT. EURASIA STANDARD (Apr. 19, 2013), <https://cestandard.wordpress.com/2013/04/19/chechnya-and-dagestan-are-not-the-same-thing-a-brief-look-at-conflict-in-the-caucasus>.

(14.9%); and the Lezgin (13.3).²² Less concurrence is found regarding the total population numbers: an increase of nearly half a million persons between the 2002 and 2010 census has been called “an astonishing and suspiciously high spike of population.”²³ Russian census numbers put the population at 2.9 million, with approximately 700,000 residing in Makhachkala.²⁴

Within the population, the rise, fall, and entrenchment of various faiths and sects have been interwoven with the historical ambitions of empires, including Persia, the Ottomans, and Russia, as well as local geography of mountains and valleys.²⁵ Islam first arrived in Dagestan in the seventh century; since then, various schools and sects thereof have held sway with the population.²⁶ Sunni and Sufi Islam have emerged as the dominant forms, and both have helped shape repeated resistance to Russia’s hegemonic efforts in the North Caucasus.²⁷ On this point, however, intellectual caution urges against essentializing:

Historians and more contemporary analysts both sympathetic and antagonistic to the mountaineers’ resistance routinely emphasize the fundamental importance of Islam in the Caucasian Wars [of centuries past], arguing (or assuming) that religion served as the prime motivation in the mountaineers’ resistance against the Russian infidel [However, Islam’s] significance lies less in its ability to motivate resistance than as a guide for how the resisters should organize their communal lives.²⁸

22. Anna Mateeva, *The North Caucasus and the Challenges of Minority Governance*, in MANAGING ETHNIC DIVERSITY IN RUSSIA 134 (Oleh Protsyk & Benedikt Harzl eds., 2013).

23. Valery Dzutsev, *North Caucasus Demographics Show the Regional Administrations’ Power to Skew Figures*, JAMESTOWN FOUND., Apr. 6, 2011, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=37756.

24. *After the Previous Census Population of Dagestan Went up by Almost 400,000*, CAUCASIAN KNOT, Nov. 17, 2010, <http://eng.kavkaz-uzel.ru/articles/15225>.

25. See generally GREGORY HOSKING, *RUSSIA AND THE RUSSIANS* (2011) (providing an overarching history); ROBERT BRUCE WARE & ENVER KISRIEV, *DAGESTAN: RUSSIAN HEGEMONY AND ISLAMIC RESISTANCE IN THE NORTH CAUCASUS* (2010).

26. See generally WARE & KISRIEV, *supra* note 25, particularly chapters 2 and 5.

27. See *id.*; see also HOSKING, *supra* note 25; SCHAEFER, *supra* note 2.

28. Michael Reynolds, *Myths and Mysticism: A Longitudinal Perspective on Islam and Conflict in the North Caucasus*, 41 MIDDLE E. STUDIES 31, 39 (2005).

B. The North Caucasus Federal District: Adding Fuel to a Governance Fire

Within the Union of Soviet Socialist Republics (USSR or the Soviet Union), organizing the public lives of the citizenry was the state's job.²⁹ When the USSR collapsed in December 1991, one state vanished from the map and fifteen new ones emerged in its stead, including the Russian Federation.³⁰ According to its constitution, Russia is a democratic state with "a republican form of government."³¹ The Republic of Dagestan is one of eighty-three administrative divisions that comprise the federation.³² It is part of the North Caucasus Federal District, one of eight meta-governance constructions within Russia, which bridges the political gap between the multitude of smaller entities and the federal state.³³ Originally, seven districts were created by presidential decree in May of 2000, by the then newly-elected President Vladimir Putin, and from 2000 until 2010, Dagestan was part of the Southern Federal District.³⁴ Putin viewed the North Caucasus from the perspective that "the problems of this region required political transformation."³⁵ Some observers have characterized his organization of the districts as part of his power vertical approach to governing Russia.³⁶ Yet, the power vertical, understood as an "effort to establish a vertical chain of

29. See MARK R. BESSINGER, NATIONALIST MOBILIZATION AND THE COLLAPSE OF THE SOVIET STATE 50 (2002) ("Throughout its 74-year history the Soviet regime engaged in a massive and frequently forceful effort to impose a particular vision on a multicultural population Soviet rulers consistently attempted to create a civic form of political and cultural allegiance, a sense of patriotism and shared political identity.").

30. RICHARD SAKWA, RUSSIAN POLITICS AND SOCIETY 420 (2008).

31. KONSTITUTSIYA ROSSIYSKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 1 (RUSS.), available at <http://archive.kremlin.ru/eng/articles/ConstMain.shtml> (last visited July 15, 2013).

32. See *Russian Federation—About the Country*, UNITED NATIONS DEV. PROGRAM, <http://www.undp.ru/index.php?iso=RU&lid=1&pid=38> (last visited July 15, 2013); see also KONSTITUTSIYA ROSSIYSKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 5 (RUSS.) ("A republic (state) shall have its own constitution and legislation. A kray (or krai), oblast, city of federal significance, autonomous oblast and autonomous okrug shall have its own charter and legislation."). For the full text of the constitution, see *supra* note 31.

33. Liz Fuller, *Medvedev Creates New North Caucasus Federal District*, RADIO FREE EUR./RADIO LIBERTY (Jan. 20, 2010), http://www.rferl.org/content/Medvedev_Creates_New_North_Caucasus_Federal_District/1934705.html.

34. *Id.* Putin had served as acting prime minister to President Boris Yeltsin, then replaced him as acting president before he was elected in March 2000.

35. WARE & KISRIV, *supra* note 25, at 3.

36. RICHARD SAWKA, PUTIN – RUSSIA'S CHOICE 130 (2010).

hierarchical authority, with strong, uncompromising government from the top,”³⁷ is inconsistent with Dagestan’s political norms, which have historically valued collegiality and “pluralistic representation.”³⁸

President Dmitri Medvedev, who succeeded Putin after the latter had served two terms, undertook a reorganization of the Southern Federal District, purportedly because he observed ongoing obstacles to this transformation.³⁹ For example, in 2009, he acknowledged the continuing problem of regional corruption and stated that although a lot of money is earmarked for the North Caucasus, “the efficiency of its spending leaves much to be desired. Moreover, part of the money is almost openly embezzled by officials. This happens as the unemployment and poverty in the Caucasus reaches extreme heights.”⁴⁰ The costs of corruption were known: in 2008, joining the police could set you back \$3000, medical school, \$10,000 and some government positions went for \$300,000.⁴¹ Human Rights Watch averred, “Corruption in Dagestan long ago reached astounding proportions. The power structures seem to have merged fully with the criminal world.”⁴² Meanwhile, significant portions of the population were economically marginalized (up to eighty percent unemployment), rendered vulnerable and unable to access the mechanisms of power through which they might change their circumstance.⁴³ In the long term, this has all told to mean that Russia has compromised the development of ethical government, accountable public safety personnel and accessible health care, undermining the physical security and well-being of the population.

37. Andrew Monaghan, *The Vertikal: Power and Authority in Russia*, 88 INT’L AFF. 1, 8 (2012).

38. Stephen Blank, *Russia’s Caucasus Wars: The Wrecks of Empire and the Wars of Decolonization*, 34 AM. FOREIGN POL’Y INTERESTS 182, 184 (2012).

39. For more on the Putin-Medvedev “tandem” of governance, see generally MARIE MENDRAS, *RUSSIAN POLITICS: THE PARADOX OF A WEAK STATE* (2012).

40. *Down-to-Earth Problems at the Core of Medvedev’s Second Address*, RT (Nov. 12, 2009), <http://rt.com/news/medvedev-annual-address-modernization>.

41. INT’L CRISIS GRP., *RUSSIA’S DAGESTAN: CONFLICT CAUSES* 13 (2008), http://www.crisisgroup.org/~media/Files/europe/192_russia_s_dagestan_conflict_causes.

42. Tanya Lokshina, *Dagestan: Curse of the Sixth Department*, HUM. RTS. WATCH (May 18, 2009), <http://www.hrw.org/news/2009/05/18/dagestan-curse-sixth-department>.

43. *Briefing: Dagestan: A New Flashpoint in Russia’s North Caucasus*, COMM’N ON SECURITY AND COOPERATION EUR. (June 16, 2009), http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewTranscript&ContentRecord_id=453.

Problems notwithstanding, for Medvedev, the challenges of the North Caucasus had identifiable solutions, at least in theory. He stated:

We will do everything possible to allow the people in Russia's Caucasus to lead normal lives. Economic and humanitarian programmes [sic] for the south of the country will soon be reviewed and fleshed out At the same time, law enforcement authorities will continue to stamp out the bandits who seek to intimidate and terrorise [sic] the population of some Caucasian republics with their crazy ideas and barbaric customs.⁴⁴

Later that month, he again justified the state's use of force in the region and added "it would be better if there were none of it. But we have completely failed to use economic tools."⁴⁵ To address the former and remedy the latter, Medvedev appointed Aleksander Khloponin as Presidential Plenipotentiary Envoy to the North Caucasus and Deputy Prime Minister for the Russian Federation.⁴⁶ The envoy was granted

powers of economic nature, powers connected with the performance of duties as government deputy chairman and, on the other hand, powers connected with the performance of duties in the presidential vertical channel of command, or all the powers traditionally wielded by the presidential representative in a federal district pertaining to personnel, work with power and law-enforcement structures, and all other issues within the official authority of plenipotentiary representative.⁴⁷

In short, he was granted a lot of theoretical power. Nearly two years into his term, the presidential plenipotentiary had a cautiously optimistic assessment of the work his administration had undertaken: "The attitude and mindset of the people who reside and work in the North Caucasus is changing in many respects, as is their attitude to the federal centre and the federal centre's attitude to the events unfolding here, including political developments."⁴⁸

44. *Dmitry Medvedev's Article, Go Russia!*, PRESIDENT OF RUSSIA (Sept. 10, 2009), <http://eng.kremlin.ru/news/298>.

45. *Medvedev Says Russia Must "Learn to Use Economic Tools" In North Caucasus*, BBC WORLDWIDE MONITORING, Sept. 15, 2009, *available at* LexisNexis.

46. *See Medvedev Names Ex-Top Manager as Envoy to Volatile Caucasus*, RIANOVOSTI (Jan. 19, 2010), <http://en.rian.ru/russia/20100119/157615846.html>.

47. *Russian Pundits "Surprised" by Tandem's Choice for Envoy to Caucasus*, BBC WORLDWIDE MONITORING, Jan. 22, 2010, *available at* LexisNexis.

48. *Russian President's Envoy Discusses North Caucasus*, BBC WORLDWIDE MONITORING, Dec. 19, 2012, *available at* LexisNexis.

Others have had less favorable assessments of Khloponin, as well as the post he occupies, and he has been criticized as being politically impotent. An editorial in *Gazeta.ru* lamented Russia's lack of a coherent policy and unrealistic development expectations for the region as well as the limited political stature of the envoy.⁴⁹ The Jamestown Foundation added that Moscow's "top-down approach . . . to the economic development of the North Caucasus has produced little progress so far."⁵⁰ Overall, "diminished political access and local accountability that resulted from renewed centralization led to increased levels of corruption, alienation, radicalism and terrorism in this volatile region."⁵¹ Baev further observed (although some may disagree) that the identification of the problem, in part, had missed its mark.⁵² Rather than having economic or developmental roots, "[i]t is the paternalistic political system based on administrative corruption that generates social discontent and fosters extremism. However, neither Khloponin nor Medvedev have any idea how to transform it."⁵³ Thus, neither the South nor the North Caucasus Federal Districts have fixed what politically ails Dagestan, and they likely created a context that worsened the situation. Notably, Moscow has not fared much better with their approach to local governance at the republic level.

1. *Dagestan: All Politics Is Local?*⁵⁴

As a republic within Russia's federal system, Dagestan has a local government: an executive, a parliament, and a judiciary.⁵⁵ It also has its own constitution, promulgated in July 1994 and subsequently amended.⁵⁶ Dagestan's internal governance structures, due in part to

49. See *Russian Editorial Says Putin Shows Little Interest in North Caucasus*, BBC WORLDWIDE MONITORING, Aug. 15, 2012, available at LexisNexis.

50. Jamestown Foundation, *Moscow's Envoy to the North Caucasus Expected to Assume Greater Powers*, REF WORLD (Mar. 11, 2013), <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=514079d12>.

51. WARE & KISRIEV, *supra* note 25, at 3.

52. See Pavel Baev, *The Terrorism-Corruption Nexus in the North Caucasus*, 114 PONARS EURASIA POLICY MEMO 2 (2010), available at http://www.gwu.edu/~ieresgwu/assets/docs/pepm_114.pdf.

53. *Id.*

54. This is a creative application of Tip O'Neil's famous phrase. See TIP O'NEIL, *ALL POLITICS IS LOCAL* (1994).

55. See THE PARLIAMENT OF THE REPUBLIC OF DAGESTAN, <http://eng.nsrdr.ru> (last visited Oct. 17, 2013); REPUBLIC OF DAGESTAN, <http://www.government-rd.ru> (last visited Oct. 17, 2013).

56. See Nabi Abdullaev, *Constitutional Amendments Threaten to Destabilize Situation in Dagestan*, JAMESTOWN FOUND. (Apr. 17, 1998),

ethnic heterogeneity and developing competition for power amongst ascendant groups and clans, had depended on local, internal bargaining between various elites and factions.⁵⁷ Since Putin's ascent to power, however, the federal government has been playing a game of political paddleball with Dagestan's government, and Dagestan is losing.

To diffuse potential ethnic tensions over leadership, the constitution originally called for an executive centered on a state council whose head would ostensibly rotate amongst Dagestan's key ethnic groups.⁵⁸ Building on that centralization theme, in 2000, Moscow asked Dagestani officials to proffer a list of constitutional discrepancies between the republic and federal levels, which were then addressed.⁵⁹ Many of the changes made subordinated Dagestan's internal independence within the federation, while at the same time elevating federal power within the republic's constitution.⁶⁰ In 2003, subsequent amendments, instigated by Moscow, reoriented more power away from the republic and towards the center, including the elimination of the State Council and the creation of a presidential executive.⁶¹ Pointedly, the State Council had been described as a "collegial executive body," comprised of Dagestan's key ethnic groups.⁶² In 2005, prior to its dismantlement, one observer sagely noted,

[T]he republic's people firmly believe that the collegiate form of government (even a curtailed one) prevents the monopolization of power and property by an ethnic community. The ethnic elite and the people of Dagestan think that a rejection of ethnic collegiality would lead to a redivision of property, power and administrative

http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=7480&tx_ttnews%5BbackPid%5D=220#.Ud694D7FQgU. For the text of the constitution (in Russian), see *supra* note 31.

57. See WARE & KISRIV, *supra* note 25.

58. See C.W. BLANDY, CONFLICT STUDIES RESEARCH CENTRE, DAGESTAN: BIRTH OF A PRESIDENTIAL REPUBLIC 3 (2006), http://mercury.ethz.ch/serviceengine/Files/ISN/87422/ipublicationdocument_singledocument/761c5a49-17f5-470e-b952-f14ad9b702bf/en/06_jun.pdf.

59. See Robert Bruce Ware et al., *Stability in the Caucasus: The Perspective from Dagestan*, PROBS. OF POST-COMMUNISM, Mar./Apr. 2003, available at http://www.siue.edu/~rware/Stability_in_the_Caucasus.pdf.

60. WARE & KISRIV, *supra* note 25, at 162–64, tbl.7.1

61. *Id.* at 156–202.

62. Robert Bruce Ware, *Recent Russian Federal Elections in Dagestan: Implications for Proposed Electoral Reform*, 57 EUR.-ASIA STUD., 583, 600 n.25 (June 2005).

benefits and hence plunge the republic into chaos and arbitrariness.⁶³

This is not to suggest that the State Council was perfect in construction or practice.⁶⁴ Rather, Moscow was removing mechanisms through which Dagestanis had managed ethnic affairs and the republic.⁶⁵ Moreover, these constitutional changes were put in place without most Dagestanis' support.⁶⁶ Consequently, "those who were aggrieved would likely grow in number and could only seek supporters and allies who cast themselves in opposition to Moscow."⁶⁷ Moscow, however, did not seem to be paying attention to a plurality of local concerns.

A major, federal political change in 2004 was channeled through the lens of the tragic events at Beslan, in North Ossetia, in early September of that year.⁶⁸ At Beslan's School Number One, militants opposed to Russia's Chechnya policy stormed a local school and held more than a thousand people hostage, including several hundred children.⁶⁹ When the siege was over more than three hundred were dead, including more than 150 children, and hundreds were wounded.⁷⁰ In remarks responding to the tragedy, President Putin stated, "In general, we need to admit that we did not show an understanding of the complexities and dangers of the processes occurring in our own country and in the world."⁷¹ On one level, he was correct—there had been a profound failure to understand the roots of the conflict and effectively mitigate grievances, let alone appreciate the dynamic nature of the threat or the state's vulnerabilities. However, rather than respond in a contextually

63. Sergei Markedonov, *Dagestan: A Sleeping Volcano in a Land of Ethnic Contradictions*, RIA NOVOSTI (Oct. 6, 2005), <http://en.rian.ru/analysis/20050610/40504629.html>.

64. For example, the International Crisis Group noted that "the ruling elite was criticised [sic] for 'Darginising' the republic, as Magomedov severely diminished the Gossovet's [State Council's] role." See INT'L CRISIS GRP., *supra* note 41, at 3.

65. WARE & KISRIV, *supra* note 25, at 184.

66. See BLANDY, *supra* note 58, at 3.

67. WARE & KISRIV, *supra* note 25 at 185.

68. See *Russia's Putin Gains Power to Appoint Regional Governors; Unity Against Terrorism Cited as Goal*, WORLD NEWS DIGEST, Dec. 16, 2004, available at LexisNexis.

69. SCHAEFER, *supra* note 2, at 226–27.

70. Nick Patton Walsh et al., *Putin's Warning as Terror Deaths Top 360*, GUARDIAN (London), Sept. 4, 2004, <http://www.theguardian.com/world/2004/sep/05/russia.chechnya5>.

71. Sheila Pulham et al., *Death Toll Rises to 323 at Beslan*, GUARDIAN (London), Sept. 4, 2004, <http://www.theguardian.com/world/2004/sep/04/russia.chechnya>.

appropriate way, the Russian president consolidated the Kremlin's power and signed new legislation stipulating the presidential appointment of local leaders.⁷²

Putin's effective removal of the republics' authority to directly elect their own leaders was part of "a series of counter-reforms aimed at tightening the political regime [W]ith some elements of decorative (mock) democracy."⁷³ This change was likely acutely felt in Makhachkala in 2006 when Magomedali Magomedov, who had ruled Dagestan since Soviet times, left office.⁷⁴ While some have expressed surprise at his departure, others have characterized it as an orchestrated or forced retirement, with Putin clearly calling the shots.⁷⁵ Magomedov, an ethnic Dargin, was replaced by Mukhu Aliyev, an ethnic Avar.⁷⁶ Recall that Dagestan's constitution originally envisioned a shifting of power within the ethnic leadership of the State Council. Nevertheless, through a range of machinations, Magomedov had maintained power.⁷⁷ Thus, the swing in control from a powerful, but smaller ethnic group, the Dargins, to the Avars, the largest, was a significant shift at the Republic level.⁷⁸ While on the one hand, the ascent of an Avar leader assuaged some of their concerns, it also "alienated the Dargin economic elite and created grievances."⁷⁹ Moscow was meddling again, without an apparent appreciation of the context or consequences.

Aliyev remained in power until early 2010, when the Kremlin appointed Magomedislam Magomedov (son of the former leader

72. See *Russia's Putin Gains Power to Appoint Regional Governors; Unity Against Terrorism Cited as Goal*, *supra* note 68.

73. *Putin's Tricks, or Where Do Elections Go?* INST. MODERN RUSSIA (Feb. 1, 2013), <http://imrussia.org/en/politics/380-putins-tricks-or-where-do-elections-go>. Note that the Institute of Modern Russia is run by Pavel Khodorkovsky, the son of imprisoned Russian oligarch Mikhail Khodorkovsky.

74. See generally *Head of Russia's Dagestan Steps Down*, BBC MONITORING SERV., Feb. 16, 2006, *available at* Westlaw.

75. See e.g. Sergey Markedonov, *The New Face of Dagestan*, RUSSIAPROFILE.ORG (Feb. 21, 2006), <http://russiaprofile.org/politics/a4139.html> (commenting on the "sudden resignation" of Magomedali Magomedov). But see Magomed Isayev, *Dagestan: Magomedov's Days Numbered?*, INST. FOR WAR & PEACE REPORTING (June 16, 2005), <http://iwpr.net/report-news/dagestan-magomedovs-days-numbered> (quoting a Dagestani government official on the planned decision to "end Mr. Magomedov's term and appoint another leader").

76. See INT'L CRISIS GRP., *supra* note 41, at 2.

77. WARE & KISRIV, *supra* note 25, at 76–77.

78. See INT'L CRISIS GRP., *supra* note 41, at 2.

79. *Id.* at 3.

Magomedali) to lead Dagestan.⁸⁰ His ascent to power coincided with that of the new and aforementioned Presidential Plenipotentiary Khlopinin, to change tacks in dealing with the North Caucasus.⁸¹ Part of the purported rationale for appointing Aliyev was centered on the belief that he would tackle corruption in the republic, which was seen as a root of a range of problems, including militancy and criminality.⁸² Yet, when the younger Magomedov came to power, it was said that “corruption, economic stagnation and massive unemployment are part of the legacy Magomedov inherited from his predecessor . . . [yet] all those phenomena took root during the 14 years that Magomedov’s father, Magomedali, was republic head.”⁸³ Aliyev’s detractors said he lacked the political power or cache to “control the factions beneath him.”⁸⁴ Consequently, rather than mitigating the problems posed by corruption, they apparently became more entrenched on his watch.

In 2012, then-President Medvedev moved to devolve authority back to the republics, again allowing for direct elections.⁸⁵ Contrastingly, less than year later, after Putin retook the presidency, he moved to again recentralize authority over the region’s executives.⁸⁶ Noting the impending Olympics in nearby Sochi and the ongoing unrest in the North Caucasus, a reporter observed, “The Kremlin is concerned that direct elections in the volatile regions could spark unrest or involve candidates whose loyalty is in question.”⁸⁷ Within the month, Dagestan had scrapped its local election law, the first of the republics to do so.⁸⁸

80. See *Russia’s Dagestan Head to Pardon Repentant Rebels*, RELIEFWEB (Feb. 20, 2010), <http://reliefweb.int/report/russian-federation/russias-dagestan-head-pardon-repentant-rebels>

81. See Ellen Barry, *Russia Names New Leader for Republic of Dagestan*, N.Y. TIMES, Feb. 8, 2010, http://www.nytimes.com/2010/02/09/world/europe/09dagestan.html?_r=0.

82. See, e.g., BLANDY, *supra* note 58, at 14.

83. *Daghestan’s President Suffers Further Rebuff*, RADIO FREE EUR./RADIO LIBERTY (Jan. 6, 2011), http://www.rferl.org/content/daghestan_president_further_rebuff/2268673.html.

84. Ellen Barry, *Kremlin Faces Rising Turbulence in Another Unruly Republic*, INT’L HERALD TRIBUNE, Feb. 1, 2010, *available at* LexisNexis.

85. See *Medvedev Endorses Law on Direct Governor Elections*, RT (May 2, 2012), <http://rt.com/politics/endorses-law-direct-elections-405>.

86. See Alissa de Carbonnel, *Putin Signs Law to Allow Him to Pick Russian Governors*, REUTERS, Apr. 2, 2013, <http://www.reuters.com/article/2013/04/02/us-russia-elections-idUSBRE9310GR20130402>.

87. *Id.*

88. See *Russian Province in Caucasus to Let Putin Pick Governor*, REUTERS, Apr. 18, 2013, <http://mobile.reuters.com/article/idUSBRE93H0J520130418?irpc=932>.

It is unclear whether this political mismanagement is a result of ignorance, disdain, or intermittent disregard for Dagestan. Contrastingly, the consequences are more visible: a population lacking faith in its government, set against a backdrop of violent instability. As the year 2013 dawned, Magomedov resigned (likely with a push from Putin) and Moscow appointed another new leader for Dagestan, Ramazan Abdulatipov, an ethnic Avar.⁸⁹ Abdulatipov acknowledged as much when he said, “The main question today is how to restore the people’s confidence in the government? How to overcome apathy and even rejection that actions of some of [the] big guns in Dagestan caused?”⁹⁰

2. *Moscow’s Meddling while Makhachkala’s Burning*

The constitutional amendments, tinkering with the appointment, and actual selection of regional leaders evince Moscow’s misunderstanding of the Makhachkala and broader Dagestani political context. Alternatively, they spotlight the center’s indifference or contempt for the local governance environment. According to a regional expert:

There is a big disconnect between the political cultures of Moscow and Dagestan. This is the [sic] partly the cause of misunderstandings and conflict between the two. Moscow is trying to impose a downsized model of Russian governance on Dagestan, but that does not work, because Dagestan is so ethnically diverse. Dagestan is naturally immune to being ruled by a strong hand, whereas for Russia, a highly-centralised [sic] state is a very traditional form of governance.⁹¹

Overall, this game of political paddleball or push-pull of federal-local control, without due regard for the local, political environment, has undermined the development of an indigenous democracy in Dagestan. Additionally, the tenacity of corruption and ineffective state response, “has given rise to a huge gulf between the authorities and the population at large.”⁹² Accordingly, rather than bringing those within the Republic closer to the center, Moscow’s rule of

89. See Alexander Winning & Ivan Nechepurenko, *Putin Ousts Dagestan Head Magomedov*, ST. PETERSBURG TIMES, Jan. 20, 2013, <http://sptimes.ru/story/36885>.

90. *Russian President Wants Stability Restored in Dagestan—New Leader*, BBC WORLDWIDE MONITORING, Jan. 28, 2013, available at LexisNexis.

91. *Governing the North Caucasus*, INST. FOR WAR & PEACE REPORTING (Apr. 13, 2013), <http://iwpr.net/report-news/governing-north-caucasus>.

92. *Daghestan’s President Suffers Further Rebuff*, *supra* note 83.

Makhachkala has only served to exacerbate the space between the two.

II. FROM GROZNY TO MOSCOW TO MAKHACHKALA: MILITANT VIOLENCE IN CONTEXT

Governance issues between Moscow and Makhachkala are only one of the problems that plague Dagestan; militant violence is another, and it is the focus of this Part. The casual observer of the region is likely to associate violence and terrorism in the region with the neighboring republic of Chechnya, which is where this section begins. Notably, Chechnya is not Dagestan, and the two republics have travelled different historio-political paths. The International Crisis Group rightly reminds us that “[t]here is a common yet erroneous tendency to analyse [sic] Dagestan in reference to Chechnya.”⁹³ While accurate, it is important to understand the role the Chechen wars have played in the destabilization of the region and thus Dagestan. This step back in time creates context and provides a glimpse into Moscow’s other North Caucasian miscalculations. Chechnya, after all, has been the locus of two pitched battles with the federal state, its citizens, as well as Russian soldiers, all of whom have been used as fodder in a battle for control in the region.⁹⁴ While Russia retreated in defeat from the first Chechen war, in the wake of the second it has largely regained control of the territory through brute force and the installation of local officials. Markedly, overt, large-scale conflict in Chechnya has declined in recent years, relative to the intense devastation of the two wars. However, areas of the larger North Caucasus remain restive, and Dagestan is a focal point for ongoing violence and the second half of this section.⁹⁵

A. The Chechen Context: “We Shall Respond to Every Chechen Shot with Thousands of Our Own”⁹⁶

The first Chechen War did not happen out of the blue. The seeds were sown as the 1980s drew to a close and the Soviet Union emitted its last gasps, when a local, national, Chechen campaign for self-

93. INT’L CRISIS GRP., *supra* note 41, at 1.

94. *See generally* GILLIGAN, *supra* note 12.

95. Valery Dzutsev, *Political Reforms Still Possible in the North Caucasus*, EUR. COUNTRY ORIGIN INFO. NETWORK (Oct. 31, 2012), http://www.ecoi.net/local_link/230491/338886_en.html (last visited July 16, 2013).

96. MATTHEW EVANGELISTA, *THE CHECHEN WARS: WILL RUSSIA GO THE WAY OF THE SOVIET UNION?* 146 (2002) (quoting Russian Minister of Defense Pavel Grachev).

determination began to emerge.⁹⁷ At the same time, the economic situation in the region declined, in part due a reduction in budgetary subsidies.⁹⁸ The conditions in Chechnya were already dire with poor health services, low wages, and inadequate educational opportunities.⁹⁹ A potent combination resulted, and some Chechens advocated for self-rule while marginalized groups also advocated for economic and “social justice.”¹⁰⁰ Gall and de Waal echo this dichotomy contrasting an uprising against historic wrongs, and the underprivileged rebelling against “appalling” poverty.¹⁰¹

The Chechen uprising also unfolded amidst a complicated web of Soviet and post-Soviet politics with competing centers of power, and the North Caucasian Republic became ensnared.¹⁰² During the Russian withdrawals of the early 1990s, the military left behind an unfathomable amount of weapons—ranging from tanks to rocket launchers to guns.¹⁰³ This situation was compounded by Moscow’s lag time in responding to Chechen aspirations and an underestimation of the threat.¹⁰⁴ Chechen leader Dzhokar Dudaev tried to capitalize on the apparent disorganization of Russian troops who “were effectively leaderless and in a state of complete confusion” with various national and regional leaders also “vying for their support.”¹⁰⁵ At the same time, according to Human Rights Watch (HRW), “Under Dudaev’s leadership, the Chechen nationalist movement . . . [became] increasingly radical in its demands, ultimately pressing for

97. RICHARD SEELY, *THE RUSSO-CHECHEN CONFLICT, 1800–2000: A DEADLY EMBRACE* 90 (2004). At the time of the USSR’s collapse, Chechnya was part of a Chechen-Ingush autonomous republic within Russia. For more on this, see, for example, John Dunlop, *How Many Soldiers and Civilians Died During the Russo-Chechen War of 1994–1996?*, 19 *CENT. ASIAN SURV.* 329 (2000).

98. Svante E. Cornell, *The Narcotics Threat in Greater Central Asia: From Crime-Terror Nexus to State Infiltration*, 4 *CHINA & EURASIA F. Q.* 37, 56–57 (2006). For example, Dagestan had garnered the vast majority of its budget from the USSR, which changed as the regime collapsed resulting in economic decline.

99. JOHN B. DUNLOP, *RUSSIA CONFRONTS CHECHNYA*, 85–88 (1998).

100. Dzhabrail Gakaev, *Chechnya in Russia and Russia in Chechnya*, in *CHECHNYA FROM PAST TO FUTURE* 21, 23 (Richard Sakwa ed., 2005).

101. CARLOTTA GALL & THOMAS DE WAAL, *CHECHNYA: CALAMITY IN THE CAUCASUS* 77 (1998).

102. VICTOR CHETERIAN, *WAR AND PEACE IN THE CAUCASUS: ETHNIC CONFLICT AND THE NEW GEOPOLITICS* 217–83 (2008).

103. SEELY, *supra* note 97, at 121.

104. LIEVEN, *supra* note 2, at 61.

105. *Id.*

independence from the Russian Republic.”¹⁰⁶ By one account, within a few years, “Chechnya had turned into a Shakespearean kingdom—armed groups roamed the country at will and there were no fixed borders or front lines.”¹⁰⁷

By mid-December 1994, after a number of Chechen and Russian missteps, Russian troops were officially on the move and their destination was Grozny, the capital of Chechnya.¹⁰⁸ A journalistic viewpoint offers that the first war started as Russia tried to restore order by force and stem Chechen strides toward independence.¹⁰⁹ One scholar adds that the proximate cause of the conflict “was the rapid escalation of political turmoil and civil strife within Chechnya, as well as the rapid escalation of the organised [sic] criminal activity and terrorism spilling beyond its borders into neighbouring [sic] republics.”¹¹⁰ Through a reading of these and other accounts, it is clear a number of political, security and international concerns at the regional and federal levels played a role in the conflagration.¹¹¹ Given this range of factors over time, it is also clear that Russia missed opportunities to at least *attempt* to transform the conflict away from violence.

Instead, Russia plunged the republic into a bloody struggle that would last for nearly two years.¹¹² During the ensuing war, Grozny was devastated. Official, reliable government casualty reports are virtually nonexistent.¹¹³ Alternatively, after a review of various figures and sources, Dunlop estimates there were approximately 46,500 deaths in the first war.¹¹⁴ Nevertheless, war is about far more than numbers—it is also about the impact on the humans left behind. Gilligan found that “[c]ivilians recall being unprepared, shocked by the indiscriminate bombing and the lack of warning to ensure safe evacuation. Thousands of people abandoned the city, but thousands,

106. *Soviet Union: Human Rights Developments*, HUM. RTS. WATCH, http://www.hrw.org/reports/1992/WR92/HSW-05.htm#P328_99935 (last visited Nov. 14, 2013).

107. GALL & DE WAAL *supra* note 101, at 137.

108. CHETERIAN, *supra* note 102, at 257.

109. *See generally* John-Christophe Peuch, *Chechnya: Ten Years After—The Logic Behind the First Chechen War*, RADIO FREE EUR./RADIO LIBERTY (Dec. 10, 2004), <http://www.rferl.org/content/article/1056335.html>.

110. WARE & KISRIEV, *supra* note 25, at 81.

111. *See also* CHETERIAN, *supra* note 102; Dunlop, *supra* note 97.

112. *See generally* EVANGELISTA, *supra* note 96.

113. Alexander Cherkasov & Dmitry Grushkin, *The Chechen Wars and Human Rights in Russia*, in CHECHNYA: FROM PAST TO FUTURE 131, 139 (Richard Sakwa ed., 2005).

114. Dunlop, *supra* note 97, at 338.

especially elderly Russians and Chechens, were stranded in Grozny.”¹¹⁵ A longer-term political consequence was also evident: prior to the start of the war, Grozny hosted a significant population of ethnic Russians (as opposed to ethnic Chechens) as well as a “Chechen professional class,” a university, and other institutes of intellectual as well as artistic importance.¹¹⁶ Thus, Grozny’s destruction undermined settlement because Russia eliminated “the very constituency of Chechnya’s residents who were most sympathetic to political accommodation with Russia and who also were agents of modernization inside society. At a stroke Russia’s bombers set back Chechnya two generations, from an urbanized republic with an educated elite to a rural village economy.”¹¹⁷

While Grozny and other parts of Chechnya were destroyed, it was Russia that emerged defeated at the end of the conflict.¹¹⁸ A number of incidents factored into the conclusion of this first war. Although the following, select incidents are not exhaustive, they are illustrative of a broad set of factors that led to the initial drawdown of hostilities. First, the personal experiences of the leaders were key, and a lack of empathy impeded settlement.¹¹⁹ For example, in April 1996 Dudaev was assassinated in a Russian missile attack.¹²⁰ The Chechen leader had been a proverbial thorn in Yeltsin’s side and his death was said to make the cessation of overt hostilities more politically palatable.¹²¹ Second, the Russians underestimated the Chechen military abilities and overestimated their own.¹²² This was strikingly evident when Chechen militants garnered a series of victories (from their perspective), including the surprising (to some) retaking of Grozny in August of 1996.¹²³ Finally, external intervention, in the right

115. GILLIGAN, *supra* note 12, at 26.

116. Tom de Waal, *Chechnya: The Breaking Point*, in *CHECHNYA: FROM PAST TO FUTURE* 181, 182–83 (Richard Sakwa ed., 2005).

117. *Id.* at 183.

118. *See* LIEVEN, *supra* note 2, at 1–2.

119. *See generally* JAMES HUGHES, *CHECHNYA FROM NATIONALISM TO JIHAD* 56–93 (2007). Note, Hughes, in chapter three, debunks the idea of a clash of personalities thesis as causal. He focuses on more of an issues-based analysis, with which this author agrees. The point here is not that contrasting personalities caused the war, but rather impeded its transformation. On this point, he refers to Starovoitova, who wrote of Yeltsin’s “‘psychological distance’ from the Chechens, which made it difficult for him to treat them as equal partners in negotiations.” *Id.* at 58.

120. LIEVEN, *supra* note 2, at 144.

121. *Id.*; *see* Cornell, *supra* note 2, at 170 (“Personal enmity between Dudayev and Yeltsin further made any serious negotiations futile.”).

122. *See, e.g.*, SCHAEFER, *supra* note 2.

123. Gakaev, *supra* note 100 at 29.

circumstances, helped: the Organization for Security and Cooperation in Europe (OSCE) sponsored negotiations that led to an interim accord and treaty.¹²⁴ Had Russia better understood the Chechen context, all of these issues could have been dealt with differently before 1996, before tens of thousands of Russians and Chechens were killed and even more had their lives profoundly altered.

The Khasavyurt accords paused the killing and brutality, but did not bring peace, let alone a sustainable end to violence in Chechnya.¹²⁵ Rather it provided a respite, during which Russia regrouped before a brutal second military engagement.¹²⁶ Chechnya was physically and economically distraught, and for some, lawlessness became the norm.¹²⁷ It also grappled with the politicization and manipulation of Islam. As the various militant “groups had no source of employment and eventually formed a political opposition to the government. [Chechen leader Aslan] Maskhadov invited members of the radical political opposition . . . into his government and adopted elements of their program to forge an illusion of national unity.”¹²⁸

Shamil Basayev was part of Chechnya’s radical resistance, and he was part of Maskhadov’s government, serving from April 1997 to July 1999, first as deputy prime minister then as acting prime minister.¹²⁹ He was also the most infamous of his lot.¹³⁰ Basayev was allegedly responsible for some of the more notorious Chechen attacks in Russia.¹³¹ These included an attack on a hospital at Budyonnovsk (in neighboring Stavropol Krai). In June of 2005, Basayev led a group of militants who stormed the hospital and took more than 1000 hostages, include many women and children.¹³² The siege persisted despite

124. HUGHES, *supra* note 119, at 89–93.

125. The agreement is formally known as *On the Principles for Determining the Bases of Bilateral Relations*. See *id.* at 92–93; Liz Fuller, *Chechnya: Khasavyurt Accords Failed to Preclude a Second War*, RFE/RL (Aug. 30, 2006) <http://www.rferl.org/content/article/1070939.html>.

126. See generally, SCHAEFER, *supra* note 2.

127. *Id.* at 179; EVANGELISTA, *supra* note 96, at 105.

128. Miriam Lansky, *Chechnya’s Internal Fragmentation, 1996–1999*, 27 FLETCHER F. WORLD AFF. 185, 187 (2003).

129. Robert Bruce Ware, *A Multitude of Evils: Mythology and Political Failure in Chechnya*, in CHECHNYA FROM PAST TO FUTURE 79, 81 (Richard Sakwa ed., 2005).

130. *Shamil Basayev, a Chechen Warlord, Died on July 10th, Aged 41*, ECONOMIST (July 13, 2006), <http://www.economist.com/node/7160644>.

131. See, e.g., HUGHES, *supra* note 119, at 153–57.

132. Sergei Shargorodsky, *Troops Attack Hospital Where More than 1,000 Hostages Held*, ASSOCIATED PRESS, June 17, 1995, <http://www.apnewsarchive.com/1995/Troops-Attack-Hospital-Where-More-Than-1-000-Hostages-Held/id-05fbd6464cd8ea7cd79c14f54c986c8a>.

Russian military assaults on the hospital, which actually killed and wounded several of the hostages.¹³³ Ultimately, the Russian government directly negotiated with Basayev, the remaining hostages were released, and the militants were permitted to return to Chechnya.¹³⁴ The second, and better-known attack was the aforementioned school siege at Beslan in North Ossetia, where more than a thousand were held hostage, and hundreds perished, including many children.¹³⁵ Clearly what happens in Chechnya does not stay in Chechnya, as Basayev took the war to the Russians. Notably, he is also imputed with taking the war to Dagestan, where an onslaught of violence was subsequently unleashed.¹³⁶

Approximately one month before invading Dagestan, Shamil Basayev resigned from Mashkadov's government.¹³⁷ Importantly, Basayev's actions did not necessarily cause the second Chechen war, but rather helped create a context in which Russia could justify its subsequent actions. Basayev's incursions into Dagestan were purportedly undertaken to create a trans-Caucasian mountain state; however, he and his melee of militants were pushed back by Russian forces as a new prime minister, Vladimir Putin, was chosen to lead Russia for the first time in 1999.¹³⁸ Basayev's efforts and the Russian state's response were also juxtaposed against a series of apartment bombings that took place in cities around the country. Those bombings resulted in hundreds of casualties, and remain mired in speculation about the perpetrators.¹³⁹ Basayev's true aims in invading Dagestan, given the relative size and capacity of his forces and the fact that local Dagestanis rose up against him, remain a bit of a mystery.¹⁴⁰

133. *Id.*

134. HUGHES, *supra* note 119, at 156.

135. Walsh et al., *supra* note 70.

136. EVANGELISTA, *supra* note 96, at 46–47.

137. *Id.*

138. GILLIGAN, *supra* note 12, at 31–32; SEELY, *supra* note 97, at 306–07.

139. See HUGHES, *supra* note 119, at 110; WARE & KISRIV, *supra* note 25, at 126–27. Political violence in Dagestan predated Basayev's invasion; however, his actions and the Russian response altered local and regional dynamics, which exacerbated Dagestani violence.

140. SVANTE CORNELL, SMALL NATIONS AND GREAT POWERS—A STUDY OF ETHNOPOLITICAL CONFLICT IN THE CAUCASUS 272 (2004).

B. Militant Violence in Context: From Grozny to Makhachkala to Moscow

Less mysterious, but perhaps more complex, is Dagestan's related descent into religious and political violence. Moscow's failure to connect the dots between Dagestani internal politics, Putin's centralization efforts, the Chechen conflagrations, and the development of "indigenous" Dagestani violence, have not only precluded meaningful solutions, but have also increased insecurity and violence.

The first missed connection relates to Basayev's incursion and the local response. When the militants invaded, many in the Republic turned toward Moscow and the military, rather than their purported liberators, some of whom embraced a particular approach to Islam termed Wahhabism.¹⁴¹ Dagestan rejected the militants partly because "Wahhabis were generally viewed as aligned with Chechen invaders and because the Wahhabis had attempted to import an alien ideology with foreign assistance."¹⁴² Importantly, however, in the interwar years, clashes occurred in Dagestan between "traditionalist Muslims and 'Wahhabis.'"¹⁴³ Wahhabism can be viewed as an austere form of Islam, which was at odds with local Dagestani practice.¹⁴⁴ In Russia, the term Wahhabi has been erroneously used, demonizing Muslims, often rendering it (and them) synonymous with Islamic terrorism.¹⁴⁵ Esposito adds that "[g]overnments [broadly] find the label 'Wahhabi' especially useful because it implies a foreign source for indigenous problems and equates their political opposition with an 'Islamic threat.'"¹⁴⁶ In Dagestan, the Makhachkala government reacted to the idea of a Wahhabi threat by outlawing Wahhabism.¹⁴⁷ Ware adds that "[o]rdinary Wahhabis were viewed as traitors and pariahs, and

141. See generally WARE & KISRIV, *supra* note 25.

142. *Id.* at 124.

143. Robert Bruce Ware, et al., *Political Islam in Dagestan*, 55 EUR.-ASIA STUD. 287, 289 (2003), available at <http://dx.doi.org/10.1080/0966813032000055886>.

144. See Robert Bruce Ware, *Why Wahhabism Went Wrong in Dagestan*, CACI ANALYST (Sept. 13, 2000), <http://old.cacianalyst.org/?q=node/269>.

145. See *Expert Mulls Status of Islamic Communities, Wahhabism in Russia*, BBC WORLDWIDE MONITORING, Feb. 9, 2013, available at LexisNexis; Olga Kuznetsova et al., *Chechen Wahhabis Aid Militants in Syria*, RUSDATA—DIALINE RUSSIAN PRESS DIGEST, July 31, 2013, available at LexisNexis; *Terror Threat Remains High in Russia's North Caucasus—Antiterrorism Committee*, BBC WORLDWIDE MONITORING, June 25, 2013 available at LexisNexis.

146. JOHN ESPOSITO, UNHOLY WAR: TERROR IN THE NAME OF ISLAM 111 (2002).

147. WARE & KISRIV, *supra* note 25, at 152.

Wahhabi leaders were arrested or driven into hiding.”¹⁴⁸ The head of the Memorial human rights organization acknowledged the religious orientation of the conflict and added that “[f]undamentalist Islam is the ideology of the underground. But far from everyone professing unconventional Islam in Dagestan is a terrorist. Unfortunately, the authorities in Dagestan fail to see the difference.”¹⁴⁹ This demonization has helped fuel marginalization, additional human rights violations, including forced disappearances, and insecurity.¹⁵⁰

Marginalization and human rights violations have not been restricted to Dagestan. Back in Chechnya, Russia’s policies of “Chechenization,” the installation of the Kadyovs as successive presidents (Aslan until his assassination in 2003, followed soon thereafter by his son Ramzan, in power as of this writing), and the death of key militant leaders helped tamp down violent resistance within Chechnya, albeit at a horrific cost.¹⁵¹ Torture, forced disappearances, kidnapping, and other forms of brutality became Chechnya’s new normal.¹⁵² For example, between 3000 and 5000 were disappeared in Chechnya between 1999 and 2005.¹⁵³ Several years later, in 2009, Tanya Lokshina, the veteran Human Rights Watch advocate, wrote about

families whose houses had been burned down because they were accused of having a family member among the rebels hiding in the mountains. The only conclusion you can make after looking at the striking pattern of burnings is that government forces were responsible for them. At first the families had been warned—please get your relatives out of the woods and bring them to us, or there will be trouble. Serious trouble. You raised them, so you are responsible for them.¹⁵⁴

148. Ware, *supra* note 143.

149. *Murder of Dagestani Minister is Indication of Existence of Extremist Underground in Republic*, RUSSIA & CIS MILITARY WKLY., June 11, 2009 available at 2009 WLNR 12135559.

150. See Tanya Lokshina, ‘Wahhabi’ Village in Dagestan, OPENDEMOCRACY (June 9, 2009), <http://www.opendemocracy.net/article/email/wahhabi-village-in-dagestan>.

151. See *id.*; see also Vesselin Popovski, *Terrorizing Civilians as a ‘Counter-terrorist Operation’: Crimes and Impunity in Chechnya*, 7 SOUTHEAST EUR. & BLACK SEA STUD., 431, 433 (2007).

152. See GILLIGAN, *supra* note 12, at 82-94.

153. *Id.*

154. Tanya Lokshina, *Ending Chechnya’s Counterterrorism Operation—or Not*, HUM. RTS. WATCH (Apr. 27, 2009), <http://www.hrw.org/news/2009/04/27/ending-chechnya-s-counterterrorism-operation-or-not>.

Going into the woods or the forest has become a euphemism for joining the militants.¹⁵⁵ Importantly, going into the forest is also a choice, and choices are made in a context.

Part of that context is created by state and state-sanctioned brutality, which has not respected the North Caucasian borders. The Dagestanis have correspondingly known horrific violence, also at the hands of federal and republic-level authorities as well as militants. Statistics paint a grim picture: in 2012, 405 were killed and nearly 300 wounded in conflict related violence.¹⁵⁶ In 2011, 413 died and more than 400 were injured, again in conflict related violence. In 2012 there were 53 “explosions and terror acts,” while 86 occurred in 2011.¹⁵⁷ In 2009, the same year Lokshina wrote of Chechen house burnings, in Dagestan, “427 persons died or suffered” in conflict-related incidents.¹⁵⁸ O’Loughlin asserts the violence in Dagestan and other neighboring republics is “due to Russia’s heavy-handed counter-insurgency techniques, entrenched corruption and government ineffectiveness, and a pervasive lack of economic development and grim employment prospects for young men.”¹⁵⁹ Russia is not necessarily causing militant violence, but rather has a key role in creating a context in which some might make a choice to go into the forest, when under different circumstances, they would have been quite content to stay at home.

Analyses of those who do join the forest dwellers tend to focus on the Chechen war and its relation to broader North Caucasian violence. It has further honed in on “a loose network of formally autonomous violent groups, or Islamic jamaats” that subsequently sprung up in the region.¹⁶⁰ There has been a range of nonstate actors at work, wreaking havoc and causing violence, including Shariat Jamaat and the oft-cited Islamic Emirate of the Caucasus, or Caucasus Emirate.¹⁶¹

155. See GILLIGAN, *supra* note 12 at 88.

156. In 2012, 1225 Persons Suffered in the Course of the Armed Conflict in Northern Caucasus, CAUCASIAN KNOT (Jan. 21, 2013), <http://eng.kavkaz-uzel.ru/articles/23821/?print=true>.

157. *Id.*

158. *Counterterrorism in Dagestan: 15 CTOs in 2009*, CAUCASIAN KNOT (Jan. 12, 2010), <http://eng.kavkaz-uzel.ru/articles/12199>.

159. John O’Loughlin, et al., *The Changing Geography of Violence in Russia’s North Caucasus, 1999-2011: Regional Trends and Local Dynamics in Dagestan, Ingushetia and Karbadino-Balkaria*, 52 EURASIAN GEOGRAPHY & ECON. 596, 597 (2011).

160. Domitilla Sagramoso, *Violence and Conflict in the Russian North Caucasus*, 83 INT’L AFF. 681, 681 (2007).

161. INT’L CRISIS GRP., *supra* note 41, at 1.

Shariat Jamaat has stated it was founded in 1999;¹⁶² however, it really entered the spotlight with a series of attacks in 2004 and 2005.¹⁶³ The Jamestown Foundation assessed that the organization was in fact the “direct successor” of a group allegedly dismantled by Putin in 1999. The Foundation noted that “it is one more example of how inefficient a military response is for suppressing an ideological opponent. It is possible to destroy bases, to destroy active participants, but it is quite impossible to destroy an underlying ideology using tanks and planes.”¹⁶⁴ In early 2005 the group “stepped up its activities” under the leadership of Rasul Maksharipov, an ethnic Avar and veteran of the Chechen wars, unleashing scores of attacks that killed dozens of police officers.¹⁶⁵ In March of that year, Shariat released a hit list of intended targets, including government and security officials at the federal and republic levels.¹⁶⁶ By 2008, the International Crisis Group reported, “it is increasingly clear that such groups—Shariat Jamaat being the best known—not only persist but are playing an ever larger role in the escalating street war” that was plaguing Dagestan.¹⁶⁷

The Caucasus Emirate is likely the most well-known of the groups, particularly outside of the region. Its leader, Dokka Umarov, proclaimed its existence in the fall of 2007 and called for a reconquering of historic Muslim lands.¹⁶⁸ He stated, “I don’t think that it is necessary to draw the borders of the Caucasus Emirate,” but proceeded to include Dagestan and Karbadino-Balkaria (a neighboring republic), amongst others.¹⁶⁹ The Shariat Jamaat apparently pledged loyalty to Umarov and his pan-Caucasian efforts

162. *See id.* at 9.

163. *See Extremist Groups Gaining Power in North Caucasus—Russian Newspaper*, BBC WORLDWIDE MONITORING, Feb. 4, 2005, *available at* LexisNexis.

164. Mairbek Vatchagaev, *The Dagestani Jamaat*, 8 N. CAUCASUS ANALYSIS 1, 3 (2007), *available at* <http://www.scribd.com/doc/125878102/Chronique-Du-Caucase-No-1-March-2011>.

165. Liz Fuller, *Daghestan’s Islamic Fighters Continue to Hone Military, PR Skills*, RFE/RL (Jan. 27, 2009), http://www.rferl.org/content/Daghestan_IsLAMic_Fighters_Hone_Military_PR_Skills/1375350.html.

166. *Dagestani Militants Plan ‘Systematic’ Killing of 140 Russian Officers*, BBC WORLDWIDE MONITORING, Mar. 8, 2005, *available at* LexisNexis.

167. INT’L CRISIS GRP., *supra* note 41, at 8.

168. *See The Official Version of Amir Dokka’s Statement of Declaration of the Caucasian Emirate*, KAVKAZ CTR. (Nov. 22, 2007), <http://kavkazcenter.com/eng/content/2007/11/22/9107.shtml>.

169. *Id.*

in late November 2007.¹⁷⁰ Analysts observed that this “recent statement of support . . . suggests an expanding political agenda.”¹⁷¹ Separatist Chechen leader Akhmed Zakayev responded to Umarov’s declaration, stating in part:

The very proclamation of an emirate, even a verbal one, would help the Russian leadership to mobilize even more forces to carry out the genocide of the peoples of the North Caucasus, who are even more vigorously calling for their ethnic and religious rights. A “North Caucasian Emirate” would play a provocative role, one which was once played by the congress of the peoples of Chechnya and Dagestan, which contributed towards the second invasion by Russian troops of Chechnya.¹⁷²

Provocation has also come in the form of attacks emanating from the Caucasus Emirate, Shariat and other nonstate actors, which have focused on the police and security forces. These groups have also targeted regional religious leaders and transportation targets around Russia. For example, in June 2005, Shariat claimed responsibility for the deaths of ten Russian soldiers in Makhachkala.¹⁷³ By 2007, it was targeting religious leaders and murdered a deputy mufti, Kurbangomed Ramazanov, also in the capital city.¹⁷⁴ As 2008 wound down, General Valery Lipinsky, a Russian Interior Ministry official and leader of its forces there, was shot in Makhachkala and later died; others were wounded.¹⁷⁵ The Dagestani Minister of the Interior, Adilgerey Magomedtagirov, was killed in the region’s capital, as he left a wedding in June 2009.¹⁷⁶ At the end of March 2010, two Dagestani women detonated explosive devices, within an hour of each other, in separate Moscow metro stations. The attacks killed dozens and wounded scores.¹⁷⁷ At the same time, attacks in Kizlyar

170. *Radical Islamic Group in Russia’s Dagestan Loyal to Rebel Chechen Leader*, BBC WORLDWIDE MONITORING, Nov. 15, 2007, *available at* LexisNexis.

171. INT’L CRISIS GRP., *supra* note 41, at 8.

172. *Chechen Rebel Foreign Minister Warns of Moscow Plot against Caucasus Peoples*, BBC WORLDWIDE MONITORING, Oct. 17, 2007, *available at* LexisNexis.

173. *Islamic Group Claims Responsibility for Bomb*, N.Y. TIMES, July 4, 2005, at 4.

174. *See Rebels Claim Responsibility for Killing of Senior Cleric in Russia’s Dagestan*, BBC WORLDWIDE MONITORING, July 29, 2007, *available at* LexisNexis; *Two Including Dagestani Deputy Mufti Die in Car Blast*, INTERFAX (July 27, 2007), <http://www.interfax-religion.com/?act=news&div=3394>.

175. *General Wounded in Makhachkala Attack Dies*, RUSSIA & CIS GEN. NEWSWIRE, Dec. 29, 2008, *available at* LexisNexis.

176. *Dagestan Interior Minister Murder Linked to Presidential Election—Paper*, BBC WORLDWIDE MONITORING, June 9, 2009, *available at* LexisNexis.

177. *See* Luke Harding, *My Daughter the Terrorist: What Made Village Schoolteacher Mariam Sharipova Blow up Herself and 26 Others on the Moscow Metro?*, GUARDIAN (London), June 19, 2010,

(Dagestan) left at least a dozen people dead, including nine police officers. In May 2012, more than ten were killed and scores wounded in a dual-pronged attack on police and emergency services in Makhachkala. The first targeted a police station; the second, the rescue and investigative personnel who arrived on the scene.¹⁷⁸

One attack the militants specifically disavowed was the Boston Marathon bombing in April 2013. The “Command of the Province of Dagestan” was very careful in distancing itself from any connection with attack.¹⁷⁹ It issued a statement clearly highlighting Russia as the enemy and also noting Umarov’s order against striking civilian targets outside the region.¹⁸⁰ However, by the summer of 2013, this order was rescinded.¹⁸¹ Umarov had set his sights, literally, on the 2014 winter Olympics in Sochi, an area near the North Caucasus.¹⁸² He stated,

They (Russia) plan to hold the Olympics on the bones of our ancestors, on the bones of many, many dead Muslims, buried on the territory of our land on the Black Sea, and we as mujahideen are obliged to not permit that, using any methods allowed us by the almighty Allah . . . I call on you, every mujahid, either in Tatarstan, Bashkortostan or on the territory of the Caucasus to use maximum force on the path of Allah to disrupt this Satanic dancing on the bones of our ancestors.¹⁸³

C. Wars and Peace?

The motivations and justifications for much of the militant violence in Dagestan are fairly clear. Richardson notes,

By far the most common motive for their actions asserted by current terrorists and former terrorists of every ideological hue from every part of the world is the desire to exact revenge. Sometimes this is revenge for something they or their family suffered, often it is

<http://www.theguardian.com/world/2010/jun/19/dagestan-suicide-bombers-terrorism-russia>.

178. *Dagestan Bombings Highlight Security Shortfalls*, DEUTSCHE WELLE EUR., May 4, 2012, *available at* LexisNexis.

179. *See Statement of the Command of Mujahideen of Caucasus Emirate’s Dagestan Province in Relation to Events in Boston*, KAVKAZ CTR. (Apr. 21, 2013), <http://kavkazcenter.com/eng/content/2013/04/21/17679.shtml>.

180. *Id.*

181. *Assessing the Terrorist Threat Against Sochi*, MOSCOW NEWS, July 16, 2013, <http://themoscownews.com/russia/20130716/191771837/Assessing-the-terrorist-threat-against-Sochi.html>.

182. *Id.*

183. Grove, *supra* note 10.

revenge for a wrong inflicted on the community with which they identify.¹⁸⁴

This was echoed in the Umarov's words above about the Olympics. It is also seen in other statements, such as Shariat Jamaat's repeated references to the state as the oppressor, to the torture of Dagestanis. The group stated,

In response to murders and persecutions of Muslims, Dagestani Mujahideen are striking back and eliminating the butchers from punitive structures of the Makhachkala pro-Moscow regime. And at the same time they are trying to explain their actions to the population and call on the local authorities to give up the policies of tyranny and violence towards Muslims.¹⁸⁵

The aforementioned attacks are just the tip of the proverbial iceberg and more are likely to come. In the wake of a bombing attack, a journalist observed, "In Dagestan, where male unemployment is estimated at around 80 percent, and polls show virtually no support for the Kremlin-installed local leaders, the outlook appears grim."¹⁸⁶ In sum, Moscow, Grozny and Makhachkala have failed to meaningfully address the contexts that have generated regional and local grievances. Instead, wars have been waged, citizens demonized for their beliefs, lives destroyed, and the peoples' hopes for a peaceful Dagestan, all but destroyed.

III. HUMAN RIGHTS AND WRONGS: FROM MOSCOW TO MAKHACHKALA

Moscow's failures to address the contextual factors of governance and militant violence, is interconnected with its unwillingness to meaningfully acknowledge that a peaceful Makhachkala is dependent on respect for human rights. Pointedly, there is a profound disconnect between Russia's obligations in this regard and the actual situation in Dagestan. After the twin attacks on the Moscow subways and the killings in the republic, then-President Dmitry Medvedev stated, "The measures to fight terrorism should be expanded, they

184. LOUISE RICHARDSON, WHAT TERRORISTS WANT 4 (2007) (on file with author).

185. *Leaflets, Weapons of Mujahideen*, KAVKAZ CTR. (May 25, 2004), <http://www.kavkazcenter.com/eng/content/2004/05/25/2820.shtml>.

186. Fred Weir, *Russia Islamist Network Takes Shape as Caucasus Hit by Another Terrorism Attack*, CHRISTIAN SCI. MONITOR, Apr. 5, 2010, available at 2010 WLNR 7558398.

should be more effective, more harsh, more cruel.”¹⁸⁷ In March 2011, journalist Mark Franchetti, referring to state counterterrorism efforts in the North Caucasus, averred that “the Russians have responded with the ruthless tactics they honed during the last Chechen war. Suspected militants are often abducted, tortured and executed in ‘extrajudicial’ killings.”¹⁸⁸ As this section reveals, however, alleged militants are not the only ones victimized.

In Moscow and the North Caucasus, there are scores of individuals on the literal and figurative front lines, reporting about government misconduct and spotlighting state abuses.¹⁸⁹ Many have been subjected to threats and intimidation, some have been victims of violence and dozens have been murdered.¹⁹⁰ A few of these cases have gained international attention.¹⁹¹ Violence targeting these individuals raises serious concerns about the Russian government, including direct state involvement; the failure to protect known or likely targets; and the insufficient investigation and prosecution of alleged perpetrators. While the cases in Dagestan (let alone the North Caucasus) are too numerous to explore herein, a review of select incidents highlights a critical aspect of the conflict context, with sustained ramifications long after the last bullet is fired or bomb exploded.

This section first explores Russia’s commitment to human rights, then examines targeted attacks, first on journalists, then on human

187. Arsen Mollayev, *Russian President Promises ‘Crueler’ Measures in Fighting Terrorism*, TORONTO STAR, Apr. 1, 2010, http://www.thestar.com/news/world/2010/04/01/russias_president_promises_crueler_measures_in_fighting_terrorism.html.

188. Mark Franchetti, *Special Forces Blitz ‘Sparked Moscow Blast,’* SUNDAY TIMES (London), Jan. 30, 2011, http://www.thesundaytimes.co.uk/sto/news/world_news/Europe/article527054.ece.

189. See *Human Rights Work of “Memorial”*, MEMORIAL, <http://www.memo.ru/eng/memhrc/index.shtml> (last visited Nov. 14, 2013); see also Anna Politkovskaya, *J’accuse—Her Own Death Foretold*, WASH. POST, Oct. 15, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/14/AR2006101400805.html>.

190. See AMNESTY INT’L, RUSSIAN FEDERATION: RULE WITHOUT LAW: HUMAN RIGHTS VIOLATIONS IN THE NORTH CAUCASUS (2009); *56 Journalists Killed in Russia Since 1992/Motive Confirmed*, COMMITTEE TO PROTECT JOURNALISTS, <http://cpj.org/killed/europe/russia/> (last visited Nov. 14, 2013); *World Report 2012: Russia*, HUM. RTS. WATCH, <http://www.hrw.org/world-report-2012/world-report-2012-russia> (last visited Nov. 14, 2013).

191. See e.g., C.J. Chivers, *A Fearless Activist in a Land of Thugs*, N.Y. TIMES, July 17, 2009, http://www.nytimes.com/2009/07/18/world/europe/18estemirova.html?pagewanted=all&_r=0; see also ANNA POLITKOVSKAYA, *IS JOURNALISM WORTH DYING FOR?* (2007).

rights defenders. These subparts emphasize events in Dagestan, but also take a wider angle to view the situation across Russia.

A. Russia's Rhetorical Commitment to Human Rights

Russia's rhetorical commitment to human rights looks quite good on paper, particularly at the international level, where it has ratified or acceded to a number of key treaties. Included therein are the International Covenant on Civil and Political Rights (ICCPR); the Convention against Torture and Cruel, Inhumane and Degrading Treatment or Punishment (CAT); and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights or ECHR).¹⁹² While a plethora of violations are raised in the case studies below, there are several key rights around which abuses are centered: the right to life, freedom from arbitrary detention, freedom from torture and inhumane treatment, and freedom of opinion and expression.

Article 6 of the ICCPR stipulates, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."¹⁹³ This is considered a foundational right. Derogation is not permitted, even in times of emergency.¹⁹⁴ The U.N. Human Rights Committee, which oversees implementation of the ICCPR, affirms that it is the "supreme right," and it "should not be interpreted narrowly."¹⁹⁵ Moreover, states have a positive obligation to ensure the fulfillment of the rights contained therein and that a failure "to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities" could be construed

192. See *Chapter IV Human Rights—3. International Covenant on Civil and Political Rights*, UN TREATY COLLECTION, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en#EndDec (last visited Oct. 16, 2013); *Simplified Chart of Signatures and Ratifications*, COUNCIL EUR., <http://conventions.coe.int/Treaty/Commun/ListeTableauCourt.asp?MA=3&CM=16&CL=ENG> (last visited Oct. 16, 2013).

193. International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 19, 1966, 999 U.N.T.S. 171, 174 (entered into force Mar. 23, 1976); S. Exec. Doc. E, 95-2 (1978); S. Treaty Doc. 95-20, 6 I.L.M. 368 (1967).

194. *Id.*

195. Office of the High Commissioner for Human Rights, General Comment 6, *The Right to Life* (Apr. 30, 1982), *available at* [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/84ab9690ccd81fc7c12563ed0046fae3?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/84ab9690ccd81fc7c12563ed0046fae3?OpenDocument).

as a violation.¹⁹⁶ Also at the U.N. level, there is a Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.¹⁹⁷ In 2003, as per its mandate, the Special Rapporteur requested a country visit to Russia, with follow-up requests the subsequent two years.¹⁹⁸ The ECHR, Article 2(l) also affirms the right to life, and provides for nonderogation (Article 15).¹⁹⁹ Finally, Article 20 of the Russian constitution provides, “Everyone shall have the right to life.”²⁰⁰

Article 7 of the ICCPR and Article 3 of the ECHR prohibit torture. There is a treaty specifically dedicated to protecting people from this most egregious of violations: the Convention against Torture and Cruel, Inhumane and Degrading Treatment or Punishment.²⁰¹ This convention provides for a broad understanding of torture and ill treatment, and stipulates that states must take measures to prevent torture and hold those who so engage accountable.²⁰² The Committee against Torture affirms its non-derogable nature and states that special circumstances do not justify such treatment, including

a state of war or threat thereof, internal political instability or any other public emergency. This includes any threat of terrorist acts or violent crime as well as armed conflict, international or non-international. The Committee is deeply concerned at and rejects absolutely any efforts by States to justify torture and ill-treatment as a means to protect public safety or avert emergencies in these and all other situations.²⁰³

196. Human Rights Committee, General Comment 31, Nature of the General Legal Obligations on States Parties to the Covenant, ¶ 8, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004).

197. *See Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Introduction*, OFFICE UN HIGH COMMISSIONER FOR HUM. RTS., <http://www2.ohchr.org/english/issues/executions/> (last visited Nov. 14, 2013).

198. *Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions—Country Visits*, OFFICE UN HIGH COMMISSIONER FOR HUM. RTS., <http://www2.ohchr.org/english/issues/executions/visits.htm> (last visited Nov. 14, 2013).

199. Convention for the Protection of Human Rights and Fundamental Freedoms art. 2, art. 15, Nov. 4, 1950, C.E.T.S. No. 5, 213 U.N.T.S. 221.

200. KONSTITUTSIIA ROSSIYSKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 20 (Russ.).

201. *See generally* U.N. General Assembly, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/Res/39/46 (Dec. 10, 1984).

202. *Id.* For the meaning of torture, see Article 1; for criminal jurisdiction and prosecution, see especially Articles 4–7; training and review of practices and procedures are addressed in Articles 10 and 11.

203. U.N. Committee against Torture, General Comment No. 2., ¶ 5, U.N. Doc. no. CAT/C/GC/2 (Jan. 24, 2008).

In their 2012 concluding comments, in response to Russia's periodic report, the Committee was, "concerned at numerous, ongoing and consistent reports of serious human rights abuses inflicted by or at the instigation or with the consent or acquiescence of public officials or other persons acting in official capacities in the northern Caucasus."²⁰⁴ Beyond the treaty structure, there is also a Special Rapporteur on Torture, who has had a pending visit request to Russia, with regard to Chechnya, since 2000.²⁰⁵ Domestically, Article 21 of the Russian constitution prohibits "torture, violence, or other severe or humiliating treatment or punishment."²⁰⁶

The rights to "liberty and security of person" and the prohibition against "arbitrary arrest and detention," are contained in Article 9 of the ICCPR.²⁰⁷ In 2009, the U.N. Human Rights Committee expressed concern

about ongoing reports of torture and ill-treatment, enforced disappearance, arbitrary arrest, extrajudicial killing and secret detention in . . . the North Caucasus committed by the military, security services and other State agents, and that the authors of such violations appear to enjoy widespread impunity due to a systematic lack of effective investigation and prosecution.²⁰⁸

There is also a U.N. Working Group on Arbitrary Detention, which has lodged a request to visit Russia.²⁰⁹ The right to liberty and security of person is guaranteed under Article 5 of the European

204. Committee against Torture, Concluding Observations on the Fifth Periodic Report of the Russian Federation, Adopted by the Committee at Its Forty-Ninth Session., ¶ 13, U.N. Doc. CAT/C/RUS/CO/5 (Dec. 11, 2012).

205. See *Country Visits*, OFFICE UN HIGH COMMISSIONER FOR HUM. RTS., <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/Visits.aspx> (last visited Nov. 14, 2013).

206. KONSTITUTSIIA ROSSIISKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 21 (Russ.).

207. International Covenant on Civil and Political Rights, *supra* note 193, art. 9, at 175.

208. U.N. Human Rights Committee, Concluding Observations of the Human Rights Committee—Russian Federation, ¶ 14, U.N. Doc. CCPR/C/RUS/CO/6 (Nov. 24, 2009).

209. See *Country Visits—Working Group on Arbitrary Detention*, OFFICE UN HIGH COMMISSIONER FOR HUM. RTS., <http://www.ohchr.org/EN/Issues/Detention/Pages/Visits.aspx> (last visited Oct. 17, 2013).

Convention.²¹⁰ Article 22 of the Russian constitution stipulates that detention exceeding forty-eight hours requires a court order.²¹¹

Article 19 (2) of the ICCPR guarantees “freedom of expression,” which includes the freedom “to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print.”²¹² The U.N. Human Rights Committee has noted, “Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.”²¹³ Towards that end, it emphasizes the need for “[a] free, uncensored and unhindered press or other media.”²¹⁴ This emphasis speaks to the interdependence of human rights, which is critical in understanding the size and complexity of the web of violations taking place in Dagestan. In other words, if people are killed, tortured, or unjustly imprisoned by the state, this right helps ensure that their suffering and that of their families is not muted by the state. It allows a spotlight to be shined on violators, who otherwise could operate under cover of political and legal darkness and with impunity. A Special Rapporteur on Freedom of Opinion and Expression emphasizes the importance of this right through country visits, reports, and the transmission of urgent appeals to states.²¹⁵ Here too, a country visit has been requested of Russia.²¹⁶ Article 10 of the European Convention also protects these rights. Finally, Article 29 of

210. Convention for the Protection of Human Rights and Fundamental Freedoms art. 5, Nov. 4, 1950, *available at* http://www.echr.coe.int/Documents/Collection_Convention_1950_eng.pdf.

211. KONSTITUTSIIA ROSSIISKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 22 (Russ.).

212. International Covenant on Civil and Political Rights, *supra* note 193, art. 19(2), at 178.

213. U.N. Human Rights Committee, General Comment No. 34—Article 19: Freedoms of Opinion and Expression, General Remarks, ¶ 3, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011).

214. *Id.*

215. *See generally Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, OFFICE UN HIGH COMMISSIONER FOR HUM. RTS., <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx> (last visited Oct. 17, 2013).

216. *See Freedom of Opinion and Expression—Country Visits*, OFFICE UN HIGH COMMISSIONER FOR HUM. RTS., <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Visits.aspx> (last visited Oct. 17, 2013).

the Russian constitution requires a free media, exhorts freedom of opinion and expression and prohibits censorship.²¹⁷

These legal commitments notwithstanding, journalists and human rights defenders, along with their families and communities, have suffered because of state action and inaction. State violence and a related accountability gap for crimes committed against them perpetuates local insecurity, fueling grievances and increasing the socio-political space between Moscow and Makhachkala, as well as between Makhachkala and Dagestan's citizens.

B. Silencing Truth: Targeting Journalists

On July 9, 2013, Akhmednabi Akhmednabiyev, the deputy editor of *Novoye Delo*, an independent newsweekly in Dagestan, was shot and killed in a suburb of Makhachkala.²¹⁸ The Russian Investigative Committee for Dagestan said, "[T]he main version of the murder is related to his professional activities as a journalist."²¹⁹ Akhmednabiyev reported on "extrajudicial kidnappings by local security forces, human rights violations during counterterrorism operations, and pressure against Muslim organizations."²²⁰ For example, in June 2011, (harkening to the aforementioned governance issue), he wrote that corruption provided a context in which people more easily joined the militants, and that the Russian state used the North Caucasus as a national distraction to avoid dealing with other issues.²²¹ His name had been on an anonymously authored hit list that surfaced several years ago.²²² Those on this list were allegedly assisting militants and criminals and therefore responsible for the deaths of security officials.²²³ Human rights NGOs and others raised questions about the state's failure to protect Akhmednabiyev, given the threats made (and the fact that a prior attempt had been made on

217. KONSTITUTSIYA ROSSIYSKOY FEDERATSII [KONST. RF] [CONSTITUTION] art. 29 (Russ.).

218. See *Dagestani Journalist's Death Linked to Job—Russian Police*, BBC WORLDWIDE MONITORING, July 9, 2013, available at LexisNexis.

219. *Id.*

220. Andrew Roth, *Russia: Crusading Editor is Killed*, N.Y. TIMES, July 10, 2013, available at LexisNexis.

221. See *Russia: Dagestani Press Selection List 10 Jun 11*, BBC WORLDWIDE MONITORING, June 23, 2011, available at LexisNexis.

222. Andrew Roth, *Journalist Assassinated in Violent Russian Republic*, N.Y. TIMES, July 10, 2013, available at 2013 WLNR 16659164.

223. See *Russian Press Review—2*, ITAR-TASS, July 10, 2013, available at LexisNexis.

his life).²²⁴ For example, Reporters Without Borders stated, “In many attacks and murders, the local and federal authorities have unfortunately not always shown the necessary determination to put an end to violence against journalists.”²²⁵ In terms of consequences, the NGO Article 19 noted, “His killing compounds the already unsafe environment for journalists in Dagestan and will undoubtedly cause journalists to further self-censor. The killing of Akhmednabiyev is the intentional silencing of one of the few voices speaking out about human rights violations in Dagestan.”²²⁶

Just a little more than a year and a half prior, Ghadzhimurad Kamalov, who founded the Dagestani paper *Chernovik* (which covered similar, difficult topics such as corruption and enforced disappearances) was murdered.²²⁷ Kamalov was on the same hit list as Akhmednabiyev. He was also killed in a hail of bullets in Makhachkala, in December 2011.²²⁸ Kamalov wrote, “People look at the way that the police and the FSB [security service] behave, and it’s easy to understand why a lot of them feel their sympathies are with the other side, with the insurgents.”²²⁹ Although the police started an investigation into his death, an editor of *Chernovik* predicted that investigative journalism would suffer as a result of Kamalov’s murder and that their “many appeals to Moscow have received no response. The federal security forces and authorities have shown no interest in solving the murders of journalists in Dagestan.”²³⁰

224. See *Russia: Journalist Akhmednabiyev Killed After Authorities Fail to Protect*, ARTICLE 19 (July 9, 2013), <http://www.article19.org/resources.php/resource/37151/en/russia:-journalist-akhmednabiyev-killed-after-authorities-fail-to-protect>.

225. *Dagestan Journalist’s Investigative Work Holds Key to His Murder*, REPORTERS WITHOUT BORDERS (July 9, 2013), <http://en.rsf.org/russia-dagestan-journalist-s-09-07-2013,44913.html>.

226. *Russia: Journalist Akhmednabiyev Killed After Authorities Fail to Protect*, *supra* note 224.

227. *Russian Press Review*—2, *supra* note 223.

228. See Tom Parfitt & Miriam Elder, *Corruption—Fighting Journalist Shot Dead in Russia: Newspaper Founder had Been on ‘Execution List’—Insurgency and Violence on the Rise in Republic*, GUARDIAN (London), Dec. 17, 2011, available at LexisNexis.

229. Shaun Walker, *Dagestan: Russia’s Islamic Enemy Within*, INDEPENDENT (London), Oct. 15, 2010, <http://www.independent.co.uk/news/world/europe/dagestan-russias-islamic-enemy-within-2107150.html>.

230. *Leading Independent Journalist Gunned Down in Dagestan*, REPORTERS WITHOUT BORDERS (Dec. 16, 2011), <http://en.rsf.org/russia-leading-independent-journalist-16-12-2011,41562.html>.

The targeting of journalists is not a recent phenomenon. Another *Novoye Delo* reporter was gunned down in June of 2005.²³¹ Magomedzagid Varisov was a journalist and a political analyst.²³² He had been threatened and believed he was followed prior to his murder.²³³ He also “had unsuccessfully sought help from the local police.”²³⁴ Varisov was said to be “very critical of the . . . opposition”²³⁵ and “extremely critical of the authorities.”²³⁶ He had accused the opposition of trying to destabilize Dagestan and of “stir[ring] up hatred between the Chechen and Dagestani communities,” to their own advantage.²³⁷ Shariat Jamaat reportedly claimed responsibility for his death.²³⁸ However, Reporters Without Borders called for an “immediate investigation to identify both perpetrators and instigators and bring them to justice.”²³⁹

Akhmednabi Akhmednabiyev, Ghadzhimurad Kamalov, and Magomedzagid Varisov are just three of the seventeen journalists who have been murdered in Dagestan.²⁴⁰ In 2013, *The Moscow Times* reported, “Dagestan is widely seen as the most dangerous part of Russia for journalists to work.”²⁴¹ And it is situated in an equally hazardous environment, as Human Rights Watch asserts that “[t]he North Caucasus region is one of the most dangerous places for journalists in the world, and it is no wonder if law enforcement

231. See Ivan Sukhov, *Killed for Thoughts*, RUSDATA DIALINE—RUSSIAN PRESS DIGEST, June 30, 2005, available at LexisNexis.

232. *Magomedzagid Varisov: Russia, 1 Killed*, INT’L PRESS INST. (June 28, 2005), http://www.freemedia.at/index.php?id=248&tx_ttnews%5Btt_news%5D=88&cHash=8e6cbdbe1a.

233. *Magomedzagid Varisov*, REPORTERS WITHOUT BORDERS (June 28, 2005), http://archives.rsf.org/article.php3?id_article=14467.

234. Ann Cooper, *Violent Censorship*, MOSCOW TIMES, July 7, 2005, available at 2005 WLNR 10610537. Note that Cooper was writing on behalf of the Center to Protect Journalists.

235. *Agomedzagid Varisov*, COMMITTEE TO PROTECT JOURNALISTS, June 28, 2005, <http://cpj.org/killed/2005/magomedzagid-varisov.php>.

236. *Press Rights Institute Condemns Killing of Dagestani Journalist*, AGENCE FRANCE PRESSE ENGLISH WIRE, July 5, 2005, available at LexisNexis.

237. Reporters Without Borders, *Islamist Group Claims Responsibility for Journalist’s Murder*, IFEX, July 5, 2005, http://www.ifex.org/russia/2005/07/05/islamist_group_claims_responsibility/.

238. Djamaat Shariat: The Territory of Jihad Extends!, KAVKAZ CENTER (July 2, 2005), <http://www.kavkazcenter.com/eng/content/2005/07/02/3918.shtml>.

239. *Magomedzagid Varisov*, *supra* note 233.

240. *Journalist Shot Dead in Russia’s Dagestan Province*, REUTERS, July 9, 2013, <http://www.reuters.com/article/2013/07/09/us-russia-dagestan-killing-idUSBRE9680HQ20130709>.

241. Yekaterina Kravtsova, *Dagestani Journalist Gunned Down*, MOSCOW TIMES, July 10, 2013, <http://www.themoscowtimes.com/mobile/article/482889.html>.

authorities aren't doing their job."²⁴² Notably, the risks are not restricted to the North Caucasus. Since 1993, the Committee to Protect Journalists has catalogued the murder of nearly eighty journalists across Russia, many of them in urban centers: the aforementioned five in Makhachkala, eight in Grozny, and twenty-three in Moscow.²⁴³ In 2006, *The Irish Times* published "Death List: Prominent Russian Journalists Who Have Been Murdered," which was simply and tragically a catalogue of each journalist's name, journalistic outlet, and date and manner of death.²⁴⁴ Journalists were kidnapped, beaten, stabbed, shot, and poisoned.²⁴⁵

Perhaps the most infamous murder was that of Anna Politkovskaya, who reported for *Novaya Gazeta*.²⁴⁶ She had survived a poisoning in 2004, while en route to the Beslan siege, before she was shot in 2006.²⁴⁷ She was murdered as she returned home to her apartment building in Moscow.²⁴⁸ She was an outspoken and thoughtful critic of Russian government policies, particularly as they related to Chechnya and the North Caucasus.²⁴⁹ Years after her murder, Petros Garibyan, a state investigator into her death, said in an interview that "the person who ordered this pursued not only retaliation against Anna Politkovskaya for critical publications . . . he

242. *Russia: Journalist Killed—Authorities Ignored Threats, Attacks Against Him*, HUM. RTS. WATCH (July 9, 2013), <http://www.hrw.org/news/2013/07/09/russia-journalist-killed>; see also U.N. Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, ¶ 95, U.N. Doc. A/HRC/14/23 (Apr. 20, 2010), available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.pdf> ("[T]he Special Rapporteur believes that States have a duty to carry out exhaustive investigations into each case and to bring criminal charges against those responsible. Failure to perform this duty creates a culture of impunity which perpetuates the violence. Systematically allowing those responsible for killing journalists or social communicators to go unpunished could be interpreted as tolerance or acquiescence on the part of the State.").

243. *56 Journalists Killed in Russia Since 1992/Motive Confirmed*, *supra* note 190.

244. *Death List: Prominent Russian Journalists Who Have Been Murdered*, IRISH TIMES, Oct. 14, 2006, available at LexisNexis.

245. *Id.*

246. Shaun Walker, *Anna Politkovskaya: Death of a Professional*, OPENDEMOCRACY (Oct. 8, 2006), http://www.opendemocracy.net/globalization-institutions_government/politkovskaya_3979.jsp.

247. *Id.*; see Anna Politkovskaya, *Poisoned by Putin*, GUARDIAN (London), Sept. 9, 2004, available at LexisNexis.

248. Walker, *supra* note 246.

249. See generally POLITKOVSKAYA, *supra* note 191; ANNA POLITKOVSKAYA, PUTIN'S RUSSIA (2004).

[also] sought a demonstrative and resonant act aimed at intimidating all of you—journalists—as well as society and the authorities.”²⁵⁰

All told, the number of murdered journalists is staggering, and they reveal only the tip of the proverbial iceberg, albeit its most lethal point. Journalists have also been physically abused, verbally harangued and threatened, and news outlets have been censored and had their doors shuttered.²⁵¹ In 2005, Ann Cooper, writing for the Center to Protect Journalists, stated,

We seek justice in all of the cases of murdered journalists. The reason is compelling: Without justice, this alarming pattern of journalist murders is likely to continue, with terrible repercussions for the media and for the Russian public. Without justice, self-censorship intensifies, particularly in the broadcast media. Reporting on basic public issues is increasingly restricted, and the public is kept in the dark about corruption, crime and human rights abuses.²⁵²

Sadly, little has changed in the intervening eight years as the vicious cycle of murder and impunity for the perpetrators, be they militants, criminals, or state-sanctioned killers, continues.

C. Killing Hope: Human Rights Defenders in the Crosshairs

Human rights defenders have also come under rhetorical and literal fire as they too have been threatened and killed.²⁵³ On January 20, 2012, Omar Saidmagomedov, a Dagestani lawyer, was shot and killed along with Rasul Kurbanov, after police in Makhachkala stopped them.²⁵⁴ The police alleged that Kurbanov fired first.²⁵⁵ Witnesses offer a different version of events, and human rights groups suggest the murder was a state killing because Saidmagomedov

250. Anna Kordunsky, *Russian Reporter's Murder Was Meant as a Message, Investigator Says*, N.Y. TIMES, Nov. 9, 2012, available at LexisNexis.

251. See generally REPORTERS WITHOUT BORDERS, RUSSIAN CAUCASUS: REPORT OF FACT-FINDING VISIT TO CHECHNYA AND DAGESTAN (2011).

252. Cooper, *supra* note 234.

253. *Lawyers in Dagestan Receive Death Threat*, AMNESTY INT'L (June 4, 2013), <http://amnesty.org/en/library/asset/EUR46/016/2013/en/e61a3b90-b52f-4e61-9d3e-dd8a74b865f2/eur460162013en.html>.

254. *Lawyer Mudunov Accuses Investigators of Falsifying Materials on Saidmagomedov's Murder in Makhachkala*, CAUCASIAN KNOT, Apr. 16, 2012, <http://eng.kavkaz-uzel.ru/articles/20757>; Tanya Lokshina, *Russia: Expert Testimony on the Situation for Human Rights Defenders*, HUM. RTS. WATCH, Jan. 26, 2012, <http://www.hrw.org/news/2012/01/26/russia-expert-testimony-situation-human-rights-defenders>.

255. *Lawyer Mudunov Accuses Investigators of Falsifying Materials on Saidmagomedov's Murder in Makhachkala*, *supra* note 254.

sometimes defended those accused of militancy.²⁵⁶ His father, who prepared his son's body for religious burial, stated,

I counted 23 wounds from exploding bullets; they also made a control shot. And then I was summoned for interrogation as a witness; and they asked about the mosque that Omar visited. The problem of Dagestan is that when Moscow orders to take off a hat, Makhachkala readily takes off the hat together with the head.²⁵⁷

Magomed Guchuchaliev, another Dagestani lawyer was killed in July 2013.²⁵⁸ His murder came swiftly on the heels of the Akhmednabiev killing. Guchuchaliev headed his own law firm, members of which "have been receiving threats in connection with their professional activities, and have faced harassment by members of the authorities."²⁵⁹ The firm has defended those accused of militancy, and its attorneys have appeared on the earlier mentioned hit list.²⁶⁰ The head of the local bar association has accused the authorities in his death.²⁶¹ He alleges the murder was a means of pressuring his surviving son to testify in a case against Makhachkala's mayor, who fell out of favor with the Kremlin.²⁶² In a submission to U.N. Special Rapporteurs on extrajudicial killings and human rights defenders, the Observatory for Human Rights Defenders noted it "is also strongly concerned by the context of impunity in which these crimes have occurred."²⁶³

Sapiyat Mogomedova, a Dagestani lawyer, has faced charges she has termed as "trumped up."²⁶⁴ The charges against her are said to be in retaliation for a complaint she filed against the police alleging the

256. *Id.*

257. *Id.*

258. *Another Lawyer Killed in Dagestan: The Russian Authorities Must Find Magomed Guchuchaliev's Killers and Bring them to Justice*, AMNESTY INT'L (July 15, 2013), <http://amnesty.org/en/library/asset/EUR46/030/2013/en/99556552-4de9-4520-aa2e-eaf749202353/eur460302013en.html>.

259. *Id.*

260. *Russian Federation: Two Extrajudicial Killings in Three Days in Dagestan: The Observatory Refers the Matter to United Nations Special Procedures*, STATES NEWS SERV., July 18, 2013, available at LexisNexis.

261. *Russia: Dagestani Lawyer Blames Police for Murder of Colleague*, BBC WORLDWIDE MONITORING, Aug. 2, 2013, available at LexisNexis.

262. *Id.*; see *Makhachkala Mayor Arrested in Murder Investigation*, RFE/RL (June 2, 2013), <http://www.rferl.org/content/caucasus-report-daghestan-makhachkala-mayor-arrested/25004594.html>.

263. *Russian Federation: Two Extrajudicial Killings in Three Days in Dagestan: The Observatory Refers the Matter to United Nations Special Procedures*, *supra* note 260.

264. *Russia: Expert Testimony on the Situation for Human Rights Defenders*, *supra* note 254.

police brutally beat her.²⁶⁵ Her case against the police was closed in December of 2011 but Mogomedova was not notified until three months later.²⁶⁶ An Amnesty International researcher stated,

Russian authorities . . . must also ensure that lawyers are free to discharge their professional duties Lawyers will continue to confront the system, but they have to do so safe in the knowledge that they are not risking their lives or the lives of their relatives. All past violations of lawyers' rights must be investigated impartially and effectively.²⁶⁷

Dagestani defenders are not likely holding their breath. Magomedova states, "To say that I am not afraid would be wrong. But it is a healthy sense of fear. Fright can either mobilize or paralyze. I dare to hope that it mobilizes my strength."²⁶⁸

Mothers of Dagestan for Human Rights (MDHR) is an organization that knows about mobilization and fear.²⁶⁹ MDHR was founded in 2007 by the mothers of the disappeared.²⁷⁰ In August 2009, MDHR's offices in Makhachkala burned to the ground. Reports differ as to the cause. One account says authorities initially blamed an electrical malfunction, while another says "that gasoline had been poured in the office and set on fire."²⁷¹ The NGO's chairperson said it was arson.²⁷² She was concerned that authorities may have set the fire in retaliation for a complaint she lodged with the local prosecutor regarding "an attack on a Muslim shop."²⁷³ The organization has regularly reported on those who have been kidnapped and disappeared, and also spoken out about other human

265. *Id.*

266. *Russian Federation: Update—Human Rights Defender Ms. Sapiyat Magomedova Applies to Have Case Reopened*, FRONT LINE DEFENDERS (June 14, 2013), <http://www.frontlinedefenders.org/node/23078>.

267. Claire Bigg, *In North Caucasus, Lawyers 'Under Attack'*, RADIO FREE EUR., Mar. 21, 2013, *available at* LexisNexis.

268. *Sapiyat Magomedova*, CIVIL RTS. DEFENDERS (Nov. 5, 2012), <http://www.civilrightsdefenders.org/uncategorized/human-rights-defender-of-the-month-sapiyat-magomedova>.

269. The group is alternately referred to as Mothers of Dagestan and Mothers for Human Rights.

270. *Russia: Investigate Dagestan Arson Attack*, HUM. RTS. WATCH, Aug. 20, 2009, <http://www.hrw.org/news/2009/08/20/russia-investigate-dagestan-arson-attack>.

271. *Id.*; see *Russian Federation—Burning of the Office of Human Rights Organisation, Mothers of Dagestan*, FRONT LINE DEFENDERS (Aug. 20, 2009), <http://www.frontlinedefenders.org/node/2136>.

272. *Id.*

273. *Id.*

rights violations.²⁷⁴ For example, in the wake of a police raid in a local village, they reported residents had been tortured, and the population was a “scared, beaten and exhausted people.”²⁷⁵

Violence against human rights defenders in Dagestan occurs on a larger Russian stage, where activists, advocates and lawyers have been repeatedly targeted and killed in the North Caucasus and beyond. Chechen President Ramzan Kadyrov called those who work for Memorial, one of the foremost Russian human rights organizations, “enemies of the people, enemies of the law and enemies of the state.”²⁷⁶ Kadyrov counted Natalia Estimirova amongst these enemies. She worked for Memorial, and “was one of the leading human rights defenders in the North Caucasus.”²⁷⁷

Members of the European Parliament awarded her a medal for her work in 2005; they stated, “A large part of the Chechen society sees Natalia as an emblematic moral figure in the non-violent Chechen resistance Far from political passions, she is, above all, devoted to helping victims of violence.”²⁷⁸ In July of 2009, she was kidnapped near her home in Grozny (Chechnya), and her body was dumped in the neighboring republic of Ingushetia.²⁷⁹ Natalia Estemirova had been shot multiple times.²⁸⁰ Speaking to another human rights advocate, who expressed concerns for her safety, she said, “There’s so much to do, so many people, how can I leave them?”²⁸¹ So while activists and advocates struggle in Dagestan, they do not struggle alone.

274. See, e.g., Anna Arutunyan, *North Caucasus Violence a Vicious Circle*, MOSCOW NEWS, Sept. 14, 2009, available at LexisNexis; *Relatives of Missing Man Stage Rally in Russia’s Dagestan*, BBC WORLDWIDE MONITORING, July 15, 2008, available at LexisNexis.

275. *Russia: Rights Activists Complain about Police ‘Brutality’ in Dagestan*, BBC WORLDWIDE MONITORING, Oct. 18, 2011, available at LexisNexis.

276. *PACE Alarmed by Chechen Leader’s ‘Threats’ at Human Rights Group*, RIA NOVOSTI, July 9, 2010, available at LexisNexis.

277. *Natalia Estemirova*, CIVIL RTS. DEFENDERS (July 3, 2012), <http://www.civilrightsdefenders.org/uncategorized/human-rights-defenders-of-the-month-natalia-estemirova>.

278. *Obituary: Natalia Estemirova*, BBC NEWS (July 15, 2009), <http://news.bbc.co.uk/2/hi/8152648.stm>.

279. Luke Harding, *Who Shot Natalia Estemirova?*, GUARDIAN (London), July 22, 2009, available at LexisNexis.

280. *Natalya Estemirova*, N.Y. TIMES, July 16, 2009 http://topics.nytimes.com/top/reference/timestopics/people/e/natalya_estemirova/index.html.

281. *Natalia Estemirova*, *supra* note 277.

D. The Deafening Silence of Those Who Suffer

Profound consequences result from the targeting of journalists and defenders and an unwillingness to find their killers. When journalists and human rights defenders are unable or unwilling to ask the difficult questions about possible state abuses—be they corruption, torture or murder, all of which connect to militant violence and the state's response—the silence of those who suffer is deafening. Further exacerbation occurs when officials fail to respond to threats or adequately investigate murders, let alone when the officials allegedly commit those offenses. Human Rights Watch notes, “The authorities indifference to the killings of journalists and whistleblowers perpetuates impunity and inspires new attacks.”²⁸² It is also problematic when such violence often occurs in a capital city—a center for law, policy, and information, as well as citizens. Makhachkala must do more to protect its residents, particularly those who have been specifically targeted because of their work exposing state violations of human rights. Amnesty International offered the following analysis:

The killing of Omar Saidmagomedov has had a chilling effect across the North Caucasus. During meetings in republics as far apart as Dagestan and Kabardino-Balkaria, lawyers were referring to this case as a kind of warning they felt they had been sent by the authorities. A further important signal to the professional legal community in the North Caucasus was the authorities' response—the lack of progress in examining the suspicious circumstances of this case and the evident resistance to investigate the law enforcement officials involved in connection with this killing.²⁸³

IV. FROM MOSCOW TO MAKHACHKALA: THE PEOPLE IN BETWEEN

Dagestanis, and indeed many of those in the North Caucasus, are the people in between. They are neither perceived of as Russian nor are they sovereign. King and Menon concur in noting, “The pivotal question for the North Caucasus is its place within the Russian Federation. So long as the Russian state relies on proxies, proconsuls, and raw power to ensure order, the region will revert to what it was in

282. *Russia: Journalist Killed—Authorities Ignored Threats, Attacks Against Him* *supra* note 242.

283. AMNESTY INT'L, CONFRONTING THE CIRCLE OF INJUSTICE 41 (2013), *available at* http://www.amnesty.at/uploads/tx_amnesty/Confronting_circle_of_Injustice_FINAL.pdf.

the tsarist era—a troublesome, exotic appendage.”²⁸⁴ And that is exactly what Moscow has done. From Moscow to Makhachkala, the rhetoric and reality of dependence and independence has been used in different ways to court the people’s political affections. The courtship, however, has become an abusive one as the state and militants attack each other and those who would stand in their way. Those in Moscow with the power to create positive change have thus far failed. Much of this failure appears to lie in an absence of context: of local governance and center-periphery relations; of the development of and distinctions between militant groups; and, of targeting those who defend human rights, whether journalist or lawyer.

Context is critical because it provides the backdrop against which people may choose to build relationships—amongst each other and between the structures of state and society, to transform conflict away from violence and toward sustainable peace.²⁸⁵ Law is the foundation for many of these relationships and structures—it dictates, in theory, how citizens may treat each other and how they may be treated by the state. It also impacts the position of a state on the international stage. There has been a profound disrespect for domestic and international law from Moscow to Makhachkala and both the people and the state have suffered. Russia is failing to live up to its tremendous potential in part because it represses its citizens in the name of maintaining stability. In reality, it is furthering insecurity and helping fuel violence. Moreover, Russia’s violations of human rights have undermined, albeit in a limited way, its standing on the international stage.²⁸⁶

This Article addresses just a fraction of the issues that Dagestan faces though a discussion of local and regional contexts. Importantly, embedded in the context, contained in the statistics of unemployment and death tolls, are the people in between, ordinary Dagestanis who are suffering. Meanwhile, the Sochi Olympics loom large and near, physically and temporally, as does the trial of a young man accused of bombing the Boston Marathon, some 5000 miles away. As this chapter winds down, so too has news coverage of the brothers

284. Charles King & Rajan Menon, *Prisoners of the Caucasus*, FOREIGN AFF., July/Aug. 2010, available at <http://www.foreignaffairs.com/articles/66446/charles-king-and-rajan-menon/prisoners-of-the-caucasus>.

285. See generally JOHN PAUL LEDERACH, *THE LITTLE BOOK OF CONFLICT TRANSFORMATION* (2003).

286. For example, the United States passed legislation sanctioning Russian state officials over the custodial death of a whistleblower, Sergei Magnitsky. Kathy Lally and Will Englund, *U.S Legislation Infuriates Russia*, WASH. POST, Dec. 7 2012, at A8.

Tsarnaev and Dagestan. All the while, many on the international stage suffer from foreign policy whiplash, reeling from one international disaster to the next, as Dagestanis live and die in relative silence and obscurity, until the next crisis of violence or conscience redirects global attention. More questions need to be asked if answers are to be found to the human rights emergency that plagues Dagestan. Their humanity demands it, as does ours.